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Items 3 and 4 of the provisional agenda*

Follow-up to the recommendations of the Permanent Forum

Human rights

Information received from Governments

Russian Federation**

Information from the Russian Federation on nationwide measures to implement the Forum's recommendations in connection with the request from the secretariat of the United Nations Permanent Forum on Indigenous Issues

Points 1-4 of the questionnaire:

Issues relating to the protection of the rights and interests of indigenous peoples are given priority by the Government of the Russian Federation.

The category of indigenous minorities in the Russian Federation includes 46 ethnic groups totalling about 280,000 persons. In 2008, the Unified List of indigenous minorities of the Russian Federation was expanded to include one of the country's most ancient ethnic groups, the Vod. There are concentrations of indigenous minorities in more than 30 constituent entities of the Russian Federation.

Because these minorities are vulnerable, systematic Government action to preserve their traditional way of life and culture is a matter of pressing concern.

1. Current changes in climate, particularly the global warming of recent decades, is having a significant effect on overall socio-economic conditions in the Arctic. The indigenous peoples of the North, whose traditional activities are directly linked to the Arctic environment and its wilderness, are in an area of particular risk.

* E/C.19/2009/1.

** Submission of the present report was delayed in order to ensure the inclusion of the most recent information.

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During International Polar Year, 2007-2008, Russia implemented a variety of scientific research projects, including some having to do with the impact of climate change on the indigenous peoples of the North.

In May 2008, in Murmansk, an international conference, "Adapting to Climate Change and its Role in Ensuring Sustainable Development of Regions", was organized by the United Nations Development Programme and the Russian Regional Environmental Centre with support from the Federal Service on Hydrometeorology and Environmental Monitoring, the Murmansk regional government and the Institute of Industrial Ecology of the North Kolsk Research Centre of the Russian Academy of Sciences. The Federal Service on Hydrometeorology and Environmental Monitoring presented research results on the impact of climate change on key sectors of the economy of the Arctic region such as marine transport, coastal development, the fuel and energy sector, agriculture, water management, the recreational potential of the region, public health and the way of life of the indigenous peoples of the North. The concluding statement noted that the sustainable development of regions experiencing climate change depended heavily on timely adaptation measures. Adaptation should become an integral element of regional socio-economic development strategies and development strategies for particular sectors of the economy.

December 2008 saw the release of the "Assessment Report on Climate Change and its Consequences in the Russian Federation", prepared by the Federal Service on Hydrometeorology and Environmental Monitoring in collaboration with the Russian Academy of Sciences. The report contains up-to-date assessments of ongoing and expected changes in climate and of the impact of these changes on various socio-economic aspects of human activity, including in the Russian polar regions which are home to the indigenous minorities of the North. The report also proposes ways to adapt to climate change. During 2009, a summary of the assessment report will be sent to the governments of all the constituent entities of the Russian Federation, including those in the polar regions, for information purposes and for possible use in the development of regional climate change adaptation strategies.

One rich and diverse area of the scientific programme for the International Polar Year 2007-2008 is the section entitled "Quality of Life and Socio-economic Development in the Polar Regions". The primary purpose of this research is to lay the groundwork for developing a rational natural resources use policy for the Arctic and reconciling the interests of the indigenous population with the industrial opening-up of the region. Improving the quality of life of the indigenous population living in remote and isolated areas of the Far North and comparable regions through the provision of quality medical services and reducing the risk that environmental damage will affect human health will be important goals of this approach. The International Polar Year scientific programme can be viewed at http://www.ipyrus.aari.ru/ and the scientific programme events schedule can be found at http://www.ipyrus.aari.ru/realization_plan_2007_final.pdf. As part of the International Polar Year activities for 2007-2009, the Russian Federation is participating in 17 social science research expeditions in the Arctic, including some designed to gain new knowledge on the impact of climate change and man-made and natural environmental pollution on the life, activities and traditional livelihoods of the indigenous peoples of the North, Siberia and the Far East.

The Federal Service on Hydrometeorology and Environmental Monitoring is making efforts to develop and improve hydrometerological and climactic observations in the Far North, including isolated areas, in order to obtain objective data on ongoing climate change. As part of a project to modernize and update equipment in Federal Service establishments and institutions (2008-2010, carried out in cooperation with the World Bank) some 30 isolated polar stations will be equipped with autonomous automatic metereological observation stations and updated sets of data collection and communications equipment.

Each year the Federal Service publishes on its website a report on specific aspects of climate in the Russian Federation, which, in addition to information on specific aspects of temperature and precipitation, contains data about the ice conditions in the Arctic, the snow cover and dangerous weather phenomena. This contributes to the broad dissemination of information about ongoing climate change in the Arctic, which is home to the indigenous minorities of the North.

2. The Convention on Biological Diversity also examines issues connected with indigenous people. Article 8 (j) of the Convention stipulates that each Contracting Party shall, subject to its national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices. An Ad Hoc Working Group on the implementation of article 8 (j) has been established and suitable provisions are being considered as a cross-cutting issue in the Convention's thematic programmes of work.

Decision VII/30 of the Conference of Parties to the Convention provides for the establishment of a temporary system of objectives and targets to promote coherence among the various programmes of work of the Convention. In 2007, Russia prepared and submitted to the secretariat of the Convention its third national report on implementation of the Convention which, along with other information, contains details of measures to achieve objective 9 of the above decision of the Conference of Parties: preserving sociocultural diversity of indigenous and local communities, as well as on action to implement article 8 (j) of the Convention.

3. In accordance with Federal Act No. 49 of 7 May 2001 on the territories of traditional natural resource use for the indigenous minorities of the North, Siberia and the Russian Far East, such territories are one type of specially protected natural territory (article 5) set up for the purpose of traditional natural resource use and the traditional way of life for the above peoples and their ethnic communities only. Securing for the indigenous minorities of the North the lands where they have traditionally lived, made their livelihoods and made use of natural resources is a key aspect of State regulation of the economic and cultural development of the indigenous minorities of the North.

The legal framework for these territories includes the determination of boundaries based on indigenous minorities' traditional use of natural resources as well as procedures for the exploitation and preservation of land in compliance with the aforementioned Federal Act No. 49 (article 11) and the Land Code of the Russian Federation (articles 94, 95), and is established by adoption of appropriate

provisions by an executive authority of the Russian Federation, by an executive authority of one of its constituent entities or by an agency of local government, under a delegation of powers by the Government of the Russian Federation.

In accordance with article 2.1 of Federal Act 2395-1 of 21 February 1992 on mineral resources, mineral deposits enclosed in the Earth's crust below the soil, including those underground, and the extractable energy and other resources contained in those deposits, are State property. Matters connected with geological prospecting, exploitation and conservation of mineral resources in the Russian Federation or on its continental shelf are governed by the same Act.

In accordance with article 8 of the Act on mineral resources, any exploitation of such resources, including geological prospecting, exploitation and extraction, in specially protected territories is determined by the status of those territories and is governed by Federal Act No. 33 of 14 March 1995 on natural territories under special protection.

In accordance with article 14 of Federal Act No. 49 on the territories of traditional natural resource use for the indigenous minorities of the North, Siberia and the Russian Far East, indigenous minorities and their communities are entitled to exploit, at no cost and for their personal needs, commonly found minerals located in the territories of traditional natural resource use.

4. In accordance with existing legislation, a number of social welfare measures, particularly medical care, are provided to the Russian Federation's indigenous minorities. For example, in accordance with article 8, paragraph 9, of Federal Act No. 82 of 30 April 1999 on guarantees of the rights of the indigenous minorities of the Russian Federation, all such minorities receive free medical care, including a compulsory annual check-up at State and municipal health-care facilities under the programme of State guarantees concerning the provision of free medical care to citizens of the Russian Federation.

The focus of State policy for the North is to improve the demographic situation and to reduce mortality, particularly among children and those of working age, by establishing a system of medical services able to care for all population groups by means of preclinical diagnosis and methods of treating and preventing disease.

Reaching this objective involves the following:

Taking action to improve the environmental situation in areas where the indigenous minorities of the North have traditionally lived and made their livelihoods;

Implementing programmes to improve the health of the indigenous minorities of the North;

Taking action to reduce maternal and child mortality and improve the reproductive health of the indigenous minorities of the North;

Conducting regular screening aimed at early detection of medical conditions and socially significant diseases among the indigenous minorities of the North;

Providing better resources and equipment for ambulatory health care and in-patient and maternity services in places where indigenous peoples traditionally reside and make their livelihoods;

Developing mobile health-care facilities and increasing access to emergency medical care in places where indigenous peoples traditionally reside and make their livelihoods;

Establishing a network of telephone helpline centres attached to district and regional hospitals and a network of similar remote sites to provide basic information on patients' condition;

Taking action to reduce alcohol consumption and regulate alcohol sales and demand in places where indigenous peoples traditionally reside and make their livelihoods;

Implementing preventive programmes in educational institutions designed to prevent alcohol consumption and use of tobacco products by children and teenagers;

Supporting and developing physical exercise and sports for the indigenous minorities of the North;

Developing health and epidemiological indicators for the indigenous minorities of the North in places where they traditionally reside and make their livelihoods; comparing those indicators to the Russian average.

The priority national health-care project entitled "Health" provides significant support to residents of the northern regions of the country and to the indigenous ethnic groups with regard to the quality and accessibility of medical care.

The project aims to establish a basis for better and more effective primary care, taking into account the existing social infrastructure in the regions, settlement patterns and other characteristics.

In this connection, the Ministry of Health and Social Development issued Instruction No. 584 of 4 August 2006 on district-based arrangements for the organization of medical services to the population. This Instruction covers the Far North and comparable localities, mountainous, desert and arid districts and others with extreme climatic conditions and long periods of seasonal isolation, as well as sparsely populated localities.

In order to ensure a supply of medical workers in remote regions, such as those which predominate in the North, inhabitants of those areas are being trained as doctors and auxiliary medical personnel.

5. The prevalence of violence against women is a consequence of the low standard of living, unemployment and the prevalence of anti-social phenomena such as drunkenness and alcoholism.

The system of social rehabilitation of victims of family violence is important in preventing such violence. Lead roles in this system are played by social welfare agencies and institutions of various kinds that provide practical, medical, psychological, educational and legal services that are important for families, children and women, offering assistance in difficult circumstances and helping to solve family and psychological problems. These institutions operate in all the constituent entities of the Russian Federation. The most highly developed are the local family and child social welfare centres, which provide various social services.

State financial assistance to families with children is a means of overcoming poverty and enabling women to combine their professional and family roles.

During 2006 and 2007, important legislation was adopted to improve financial support to citizens with children, and there was a consequent increase in allowances for mothers and children.

In accordance with Federal Act No. 207 of 5 December 2006 on the introduction of amendments to certain legislative instruments of the Russian Federation concerning State benefits for citizens with children, social benefits for families in connection with the birth and upbringing of a child were significantly increased. Since 1 January 2007, working mothers have received a monthly childcare allowance equivalent to 40 per cent of their wages. Those caring for two or more children under the age of 18 months receive multiples of that allowance, but the cumulative allowance may neither exceed 100 per cent of wages but may not be less than the cumulative minimum.

The allowance is paid to the mother, father, other relative or guardian actually caring for the child who is on childcare leave and is subject to compulsory social insurance.

Entitlement to this allowance has been acquired by unemployed citizens who are actually caring for a child under the age of 18 months and are not subject to compulsory social insurance. Allowances of all types are paid to women regardless of their ethnicity.

Another factor expanding women's opportunities in the sphere of work and employment is the existence of a network of accessible and high-quality preschool institutions.

In order to broaden the coverage and accessibility of preschool institutions, a ceiling on the amount that parents pay for a child's place at such an institution has been re-established. For example, the parental payment may not exceed 20 per cent of the cost of the place or 10 per cent for parents with three or more children who are minors.

Since 2007, part of the amount actually paid by parents for a child's place at a preschool institution has been reimbursed: 20 per cent for the first child, 50 per cent for the second child and 70 per cent for the third child and subsequent children.

The programmes being adopted in the constituent entities of the Russian Federation to boost employment, reduce unemployment and develop small and family enterprises are an important step towards the elimination of discrimination on the grounds of gender and ethnicity. They focus particularly on measures to promote the employment of vulnerable categories of indigenous women.

The employment programmes cover assistance in finding suitable work and job placement by employment agencies, including free vocational guidance and psychological support, vocational training, retraining and refresher courses, and promotion of self-employment and small-scale entrepreneurship.

The employment promotion programmes also include support for traditional handicrafts, the development of work schedules suitable for women (shorter working day) and work from home.

6. The right of indigenous minorities in the Russian Federation to preserve and develop their native language, traditions and culture is set out in the Federal Acts on the languages of the peoples of the Russian Federation and on ethno-cultural autonomy. In particular, the Federal Act on the languages of the peoples of the Russian Federation (No. 1807-I of 25 October 1991, as amended on 24 July 1998 and 11 December 2002) governs the system of regulations on the use of the languages of the peoples of the Russian Federation in Russian territory.

The Act emphasizes the protection of the sovereign linguistic rights of the individual, irrespective of his or her origin, social or property status, race or ethnicity, sex, education, attitude to religion or place of residence. On the basis of the sovereignty of the republics of the Russian Federation, the aforementioned Act also establishes their freedom to settle issues relating to the protection, development and use of their national languages. Special attention is paid to ensuring the free development of languages in areas with high concentrations of indigenous or ethnic minorities that do not have their own administrative and territorial units set up along ethnic lines, as well as those living outside such areas.

The right to use one's native language in areas with large populations of ethnic minorities is provided for specifically in article 6, paragraph 4, of Federal Act No. 8 of 25 January 2002 on the national population census and the Federal Act on basic safeguards of Russian citizens' electoral rights and right to take part in referendums, which allows the relevant electoral commission to decide to print ballot papers in Russian, as the official language of the Russian Federation, and in the official languages of the relevant republic of the Russian Federation, and where necessary in the languages of the peoples of the Russian Federation in the territories where their populations are concentrated (art. 63, para. 10).

The Federal Act on the foundations of Russian Federation legislation on culture establishes the right of peoples and other ethnic communities "to preserve and develop their cultural and ethnic identity and to protect, restore and preserve their native cultural and historical habitat" (art. 20). It contains a specific provision that "policy with regard to the preservation, establishment and dissemination of the cultural values of indigenous ethnic groups, the names of which are used for the corresponding administrative units, shall not be prejudicial to the cultures of other peoples or ethnic communities living in the territories in question" (art. 20).

The Ministry of Education and Science, in conjunction with the Federal Institute of Educational Development, which deals with national education issues, monitors the situation of the languages of the peoples of the Russian Federation, including the languages of indigenous and minority groups, on a yearly basis. It is carrying out a number of projects relating to the protection and expansion of the rights of the indigenous peoples of the Russian Federation. The ethnic groups of the North living in the extreme conditions of the polar region constitute a special case among indigenous minorities.

The peoples of the Far North, Siberia, the Russian Far East, the Northern Caucasus and Central Russia speak 45 languages and dialects.

Abkhaz (in Kharachay-Cherkessia)	Aleut	Aleutor
Besermen (dialect)	Veps	Dolgan
Izhor	Itelmen	Kamchadal (dialect)
Kerek	Ket	Koryak
Kumanda	Mansi	Nagaibak (dialect)
Nanai	Nganasan	Negidal
Nenets	Nivkh	Orok (Ulta)
Oroch	Saami	Selkup
Soyot	Taz (dialect)	Telengit (dialect)
Teleut (dialect)	Tofalar	Tubalar (dialect)
Tuvin-Todjan (dialect)	Udege	Ulch
Khanty	Chelkan (dialect)	Chuvan (dialect)
Chukchi	Chulym	Shapsug (in Adygeya)
Shor	Evenk	Even
Ent	Eskimo	Yukagir

The group includes 34 indigenous minority languages of the Far North, Siberia and the Russian Far East: Aleut, Dolgan, Itelmen, Kamchadal (dialect), Kerek, Ket, Koryak, Kumanda, Mansi, Nanai, Nganasan, Negidal, Nenets, Nivkh, Orok (Ulta), Oroch, Saami, Selkup, Soyot, Taz (dialect), Teleut (dialect), Tofalar, Tuvin-Todjan (dialect), Udege, Ulch, Khanty, Chuvan (dialect), Chukchi, Shor, Evenk, Even, Ent, Eskimo and Yukagir.

7. The education system for indigenous minorities of the North is an integral part of the Russian education system and is governed by the overall provisions of education legislation of the Russian Federation. Significant changes have been made in the last 15 years, as part of the modernization of education in the Far North, Siberia and the Russian Far East.

In areas with high concentrations of indigenous minorities, and in areas in which such minorities migrate as nomads, new networks of educational institutions are being assembled, along with models for general education establishments determined by the lives of the peoples of the North, and more particularly by their wish to preserve the family as the fundamental way of socializing children and acquainting them with traditional ways.

Model 1: The nomadic kindergarten model (Laborovaya trading post, Yamal-Nenets Autonomous Area), the main purpose of which is to prepare children for primary school, using the foundation of traditional teachings (native and family children's folklore, traditional games and songs) and native languages.

The main tasks of the nomadic kindergarten are:

- to allow free interaction in the native language;
- to allow the acquisition of knowledge of the spiritual culture of one's people, of the basis of traditional livelihoods (reindeer-herding, fishing and hunting), of the environment of the area and how to protect it and of how to strengthen and harden one's constitution.

The nomadic kindergarten operates year-round and is open to children between three and six years old. Between February and April, instruction takes place in a camp located in the winter grazing area, with the holidays extending until the end of May. Between June and August, with a break in July, children between three and six years old attend a summer-autumn nomadic (seasonal) preparatory kindergarten in the indigenous camp. Teaching at the nomadic kindergarten is intended to prepare children for structured education at boarding schools and primary schools.

Work is continuing on the following issues affecting the operation of the system of nomadic kindergartens: establishment of a legal framework; training of staff to work in the nomadic environment; preparation of scientific and methodological literature, programmes, textbooks, handouts and methodological and graphic material.

Model 2: Nomadic schools (usually based around the settlements of reindeer herders, hunters and fishermen (at trading posts, native communities or transfer bases, where the school is a stationary establishment; or as a travelling school that moves with the reindeer herders).

The nomadic school is a special type of general educational institution that is adapted to suit the local conditions of the Far North. The concept became widespread in Russia in the 1920s and 1930s. The operation of such schools marks a particular stage in the development of national education. The fundamental purpose was to make schools accessible to the children of nomadic groups. One of the main distinguishing features of the nomadic school was its ability to reach the most remote and isolated locations in the tundra, the deep taiga and mountainous regions. Variations in the natural environment led to various forms of nomadic migration and various modes of operation of nomadic schools. In some cases, the movement was meridional (herds driven northwards in the summer and southwards in the winter); in other cases, it was lateral (with migration from water source to water source, or around a water source); in still other cases it was vertical (with migration from winter pastures on the plain to summer pastures in the mountains), and so on.

As part of the development of the traditional activities of the minorities of the North, nomadic schools are being revived with a new outlook. Nomadic schools are considered the most acceptable model of teaching in the environment of the North, under the influence of radical transformation in the social and economic fields and in society and politics.

The first new-generation nomadic schools were established at the beginning of the 1990s in the communities (Ayllus) of Mom, Anabar, Olenek and Aldan in the Republic of Sakha (Yakutia). In 1993, a plan for the instruction and education of children in the spirit of their ancestors and a standard set of regulations for nomadic schools were developed and adopted. They now serve to facilitate organized education in extreme environments.

One type of nomadic school operates at the under-subscribed school of the Laborovaya trading post in the Yamal-Nenets Autonomous Area. Implementation of the nationality- and regionally specific component of the curriculum in a multiplicity of ways offers children the opportunity to become acquainted from the earliest age with the traditional ways of their ancestors and the indigenous material and spiritual culture of the Nenets.

Model 3: Community schools, which in structure and substance resemble under-subscribed stationary schools. The main difference is in the relationship between the members of the community, which leaves its stamp on the process of instruction and education (including the tutorial approach).

Model 4: The tutorial school. In this type of school, the teacher travels into the taiga and teaches children in that environment, in a family setting. The first Even tutor began work at the beginning of the 1990s in the Burkatymtan settlement of the Mom Ayllus in the Republic of Yakutia-Sakha, teaching in the inhabitants' hunting grounds.

Model 5: The taiga school, in which parents act as tutor-consultants, teaching their own children. Such teaching techniques are combined with support sessions at a school (for example, the Iengra taiga school in the Republic of Yakutia-Sakha).

Model 6: The permanent nomadic school, in which pupils spend part of the time with the herd, being taught about ethno-cultural issues and basic subjects with an indigenous and regional component.

Model 7: Sunday schools. These operate in towns and settlements without sufficient numbers of pupils to open another type of school. The main purpose of the schools is to provide ethno-cultural education.

Model 8: Summer school. These are intended to provide immersion in the native language and culture of the pupils for those with no knowledge of their native language (summer camps).

In this new stage in the socio-economic development of the indigenous minorities of the North, Siberia and the Russian Far East, a socio-economic situation has emerged which combines the efforts of the family, the community, settlements' social institutions and society in order to help not only the children, but all inhabitants, of a settlement and to help overcome inter-agency barriers, broaden opportunities and enrich the content of education in cultural and sporting institutions, social security, employment centres and the media, and to improve their resource and teaching base.

There has been a significant increase in the use of such teaching methods as offsite learning, in-family instruction and distance learning.

In 2009, the Federal Institute of Educational Development plans to make the necessary changes to the standard provisions for general education establishments.

The decrease in the population of the Northern regions has led to a decrease in pupil numbers and to a lack of qualified instruction and education specialists and teachers.

When the new education models for the peoples of the North, Siberia and the Russian Far East were being established, the need arose to train, select and provide vocational development for prospective teaching staff for pre-school and school-age

children, taking into account the children's psychological, physiological and ethnic character, the need for mastery of distance learning technology for individuals and for a variety of ages, the ability to work in a rotational system in a nomadic environment and the need to provide teaching and methodological materials.

The local authorities of regions including the Yamal-Nenets and Khanty-Mansi Autonomous Areas, the Republic of Sakha (Yakutia) and the Khabarovsk Territory have made a substantial effort to improve education. There and elsewhere, legislation of the constituent entities of the Russian Federation has been adopted, and regional programmes have been put in place to develop education and preserve the native languages of indigenous minorities.

Priority national projects have provided great stimulus to the development of education in the North. As part of those projects, steps are being taken in the constituent entities of the Russian Federation in that region to support and develop best practice for indigenous education, to encourage better teachers, support talented youth, master the latest education technology, improve teaching efficiency and improve resources.

With the aim of strengthening support for teaching staff, a number of higher-level and middle-level specialist education institutions have been conducting training at the request of various constituent entities of the Russian Federation. The institutions include the A. I. Herzen Russian State Pedagogical University, the M. K. Amosov Yakutsk State University, the Far East State University and the Yugorsk State University.

Pursuant to Russian Federation Government Decision No. 469 of 29 July 2006 amending Russian Federation Government Decision No. 487 of 27 June 2001 adopting standard provisions for special facilities and other material support for undergraduate, postgraduate and doctoral students of federal State educational institutions providing higher-level and middle-level vocational education, changes were introduced to recommend that the federal executive authorities and other beneficiaries of federal funds responsible for the educational institutions of that type located in the Far North and other similar regions should seek, via the establishment of a special fund, to allocate resources to providing a level of grants commensurate with residence in the extreme natural and climatic conditions of the North.

The support described has also been sourced from the budgets of other ministries and departments and the budgets of constituent entities of the Russian Federation. In 2009, the Ministry of Education and Science plans to develop the following:

- A bill to amend article 29 of the Russian Education Act as follows: "1. The responsibilities of the authorities of the constituent entities of the Russian Federation with regard to education shall include contributing, together with the appropriate federal State authorities, and on the basis of federal State educational standards or federal State requirements, to the establishment of indicative basic education curriculums, taking into account their level and approach (with regard to the regional, national and ethno-cultural demands of citizens and society)";
- Draft curriculums for the native languages of the main language groups (Turkic, Finno-Ugrian, Abkhaz-Adygei, Mongolian) and for Russian, and a curriculum for grades 5 to 9 of general education establishments teaching in

native (non-Russian) languages and in Russian (for non-native speakers), on the basis of federal State standards for general education;

- Methodological texts to train teachers in the native languages of the four main language groups;

- Outlines of refresher training in the groups of native languages for teachers of general education establishments teaching in native (non-Russian) languages and in Russian (for non-native speakers).

8. Russian Federal legislation contains no specific regulation of community radio broadcasting. Radio stations have equal opportunities with regard to allocation of broadcasting frequencies. The requirements for broadcasters applying to be allocated a frequency or seeking to acquire a new frequency are contained in Russian Federation Government Decision No. 1359 of 7 December 1994 on the licensing of television and radio broadcasting and communications activity in television and radio broadcasting in the Russian Federation. Broadcasting frequencies for population centres with over 200,000 inhabitants are allocated on a competitive basis. Rules for the submission of competition applications are contained in Russian Federation Government Decision No. 698 of 26 June 1999 on the conduct of competitions for the attribution of terrestrial radio and television broadcasting rights and on the establishment and acquisition of new channel frequencies for television and radio broadcasting.

The development of television and radio broadcasting is included in the work programme for 2009-2011 of the Federal Press and Mass Communications Agency. In connection with this strategic aim, there are plans to increase the quantity and quality of socially significant television and radio programmes, including those with a news and information, cultural, artistic, scientific, cognitive, sporting, children's or musical leaning. The development of community radio coincides with the overall direction of the Russian Federation's State policy for television and radio broadcasting.

In the course of the implementation of national State policy in 2008 the following allocations of resources were made from the federal budget for that year:

- A project to develop and publish dictionaries (including electronic dictionaries) in the languages of the indigenous minorities of the North (Nenets-Russian, Russian-Nenets, Selkup-Russian, Russian-Selkup);

- A project to develop and broadcast on federal television stations a series of 20 programmes on the peoples of the Russian Federation;

- A project to organize and hold a national competition among the media for the best coverage of the subject of inter-ethnic relations of the peoples of the Russian Federation and their ethno-cultural development (there will be a separate nomination for media in the languages of the peoples of the Russian Federation);

- A project to support the holding of an international seminar entitled "International norms and the legislation of the Russian Federation in the field of preserving the languages and cultures, traditional lifestyles and natural resources management of indigenous peoples: Norms, Theory, Practice".

– Every year, the Federal Press and Mass Communications Agency provides, on a competitive basis, State support in the form of subsidies from the federal budget for the implementation of socially significant projects in the field of electronic and print media. The topic of shaping, preserving and developing the spiritual culture of the peoples of the Russian Federation is one of the priorities for the provision of financial support. During the period 2004-2008, more than 153 million roubles were allocated to the electronic mass media for these purposes.

Among the projects that receive State subsidies, mention can be made of the information and educational programme Narody Rossii (Peoples of Russia), which has been broadcast by Radio Russia since 2001. The programme is devoted to the Russian Federation's ethnic diversity and promotes inter-ethnic cooperation. Ethnic issues are covered from the point of view of representatives of ethno-cultural autonomies, ethnographers, historians, specialists in ethnic conflicts, sociologists, culturologists and art critics.

The Federal Press and Mass Communications Agency provides financial support for the films "Provincial Museums of Russia" (broadcast on the Kultura television station), which devote particular attention to museums that promote ethnic culture. Series of television documentaries are being prepared: "Geographic video encyclopaedia" — this series reveals the multidimensional aspects of the cultures of the peoples of the Russian Federation; "The humanity of others ..." consists of films about the Russian Federation's indigenous minorities, their return to their roots and so forth.

The Federal Press and Mass Communications Agency allocates funds for the production of animated information and educational video clips about the regions and peoples of the Russian Federation: "We live in Russia".

Projects supported by the Federal Press and Mass Communications Agency include programmes in the languages of the peoples of the Russian Federation. In 2004-2007, some 4.4 million roubles were allocated for the production of such programmes.

The Federal Press and Mass Communications Agency has supported the creation and operation of Internet resources (sites and portals): Narody Rossii: edinstvo i mnogoobrazie (Peoples of Russia: unity and diversity), which provides historical and ethnographic information on all the peoples and ethnic groups of the Russian Federation, as well as information on State policy in the area of inter-ethnic and interfaith relations. Etno-zhurnal aims to strengthen inter-ethnic relations, promote tolerance and popularize the cultural diversity of the Russian Federation and the world.

Point 5 of the questionnaire

A system of specialized laws and regulations has been established in the Russian Federation to protect the rights of the indigenous population. Since the adoption of the Constitution of the Russian Federation in 1993, these vulnerable ethnic groups have been officially designated as "ethnic minorities" (art. 71 (c) and art. 72, para. 1 (b), of the Constitution), "minority ethnic communities" (art. 72, para. 1 (l)) and "indigenous minorities" (art. 69).

Specifically, the Constitution links the regulation and protection of the rights of "indigenous minorities" and "minority ethnic communities" with rights to land

and other natural resources regarded as "the basis of the life and activity of the peoples inhabiting the territory in question" (art. 9, para. 1) and with the right to protection of their native habitat and traditional ways of life.

In accordance with Federal Act No. 82 of 30 April 1999 on guarantees of the rights of the indigenous minorities of the Russian Federation, indigenous minorities are defined as peoples living on their ancestors' traditional territories, preserving a traditional lifestyle and livelihood, who number fewer than 50,000 in the Russian Federation and who consider themselves autonomous ethnic communities.

Federal Act No. 104 of 20 July 2000 on general principles for the organization of communities of indigenous minorities of the North, Siberia and the Russian Far East introduced the new designation "indigenous minorities of the North, Siberia and the Russian Far East".

Government Decision No. 255 of 24 March 2000 on the unified list of indigenous minorities of the Russian Federation and Government Order No. 536 of 17 April 2006 approving the list of indigenous minorities of the North, Siberia and the Russian Far East specify the composition of the indigenous minority population of the Russian Federation.

Pursuant to Government Order No. 185 of 21 February 2005, the Ministry of Regional Development is preparing regulatory documentation on the establishment of territories of traditional natural resource use for indigenous minorities of the North. In accordance with Federal Act No. 49 of 7 May 2001 on the territories of traditional natural resource use for indigenous minorities of the North, Siberia and the Russian Far East, such territories are one type of specially protected natural territory.

Russian Federation legislation on the rights of indigenous peoples has continued to improve, including as a result of the United Nations Declaration on the Rights of Indigenous Peoples and the second International Decade of the World's Indigenous People.

The Russian Federation was the first State to announce officially its participation in the second International Decade of the World's Indigenous People. Government Order No. 758 of 27 May 2006 on the preparation and observance in the Russian Federation of the second International Decade of the World's Indigenous People was a key instrument in this respect.

The Ministry of Regional Development, working with relevant federal executive authorities and executive agencies of the constituent entities of the Russian Federation, has developed a package of priority measures for the preparation and observance in the Russian Federation of the second International Decade of the World's Indigenous People (hereafter "the package"), which has been under way since 2008.

A number of relevant projects were implemented in 2008 as part of the implementation of State national policy on indigenous minorities of the North in order to improve federal legislation and to develop and adopt the latest conceptual approaches. Financial support was also given to community organizations providing these peoples with significant cultural and educational activities.

1. A framework policy for the sustainable development of indigenous minorities of the North, Siberia and the Russian Far East was prepared by relevant federal executive authorities in conjunction with the Russian Association of

Indigenous Peoples of the North, Siberia and the Far East. This framework policy was approved by Government Order No. 132 of 4 February 2009.

The significance of the framework policy approved by the Government lies in the fact that a standard has been clearly established in the Russian Federation for the implementation of State policy to protect the rights of indigenous minorities of the North. This standard was developed by reviewing the current status of traditional natural resource use, education, health and ethnocultural and socio-demographic development. Furthermore, for the first time, the framework policy includes not only direct State support to indigenous minorities but also assistance with the mobilization of their internal resources.

The framework policy is based on a set of principles which governs approaches to the sustainable development of indigenous minorities, including guarantees of rights and freedoms in accordance with the Constitution and international law; the prohibition of all forms of discrimination on the grounds of race, nationality, language or social origin; recognition of the right to use one's mother tongue; cooperation between the Russian Federation and its constituent entities to preserve the indigenous habitat and traditional way of life of indigenous minorities of the North; and recognition of their right to receive priority access to historical natural resources.

The main purpose of the framework policy is to create the necessary conditions and incentives in the Russian Federation for internal factors to be established for the sustainable development of indigenous minorities of the North by strengthening their socio-economic capabilities and preserving their indigenous habitat, traditional way of life and traditional economic activities.

The main objectives of the framework policy are as follows: to preserve cultural heritage; to develop and modernize traditional occupations; to promote self-organization; to expand the level of access to education; and, above all, to reduce child mortality and significantly improve quality of life as a whole.

The framework policy will be implemented in three stages from 2009 to 2025. Each stage will correspond to a set of specific Government-approved measures. The list of such measures for the first stage (from 2009-2011) will be approved in the next three months. In addition to federal agencies, participants in this work will include the constituent entities of the Russian Federation and community organizations representing the interests of indigenous minorities.

The achievement of the purposes and objectives of the framework policy will substantially help to improve the socio-economic and ethnocultural development of indigenous minorities in the North, Siberia and the Far East.

2. The Government has prepared a draft regulation approving the list of places of traditional residence and economic activity for indigenous minorities of the North, Siberia and the Russian Far East.

To that end, executive bodies of the constituent entities of the Russian Federation whose territories have concentrations of indigenous minorities with traditional lifestyles and livelihoods (crafts) have made proposals to include relevant areas in the list. These proposals have been collected and compiled. Following an inter-agency review, the draft will be submitted to the Government in accordance with the established procedure.

3. Proposals to introduce a number of amendments to federal legislation have been developed in order to simplify the application of laws and regulations for the protection of the rights of indigenous minorities. Conceptual approaches have been developed to improve Federal Act No. 49 of 7 May 2001 on the Territories of Traditional Natural Resource Use by Indigenous Minorities of the North, Siberia and the Russian Far East.

Furthermore, the Ministry of Regional Development, with the participation of relevant federal executive authorities, has developed a draft Government decision approving the list of types of traditional economic activity of indigenous minorities of the North, Siberia and the Russian Far East. Following a review, this draft Government decision will be submitted to the Government in accordance with the established procedure.

4. Work is now under way to develop Government legislation approving the method and procedure for determining losses, including loss of profit, to users of plots of land and other natural resources, and the procedure for compensating indigenous minorities of the Russian Federation for the losses incurred by them as a result of damage to their habitats.

5. Pursuant to paragraph 9 of the package regarding the conduct of research to develop a set of indicators on the quality of life and social status of indigenous minorities of the Russian Federation and the well-being of their communities, a memorandum of understanding was signed between the Russian Federation Ministry of Regional Development and the Canadian Department of Indian Affairs and Northern Development on cooperation for the development of indigenous peoples and northern territories.

Under the memorandum, activities are under way to study international experience in the development of a set of indicators on the quality of life and social status of indigenous minorities.

A system of indicators on the quality of life and social status of indigenous minorities is scheduled to be developed in 2009 in the light of international experience.

6. The Ministry of Regional Development supported the holding of the third international exhibition-fair, entitled "Northern Civilization 2008" (hereafter "exhibition-fair"), which took place from 15 to 19 April 2008 in Moscow.

The objectives of the exhibition-fair were as follows: to provide communities of indigenous minorities of the North, Siberia and the Russian Far East with practical opportunities to demonstrate what they have achieved from the use of traditional production methods; to offer a broad overview of their products on the market; to search for business project partners and investors; to give constituent entities of the Russian Federation a demonstration of what has been achieved in the socio-economic and cultural development of territories; to draw the attention of the international community and federal State authorities to experience learned from the development of small business involving traditional activities of indigenous minorities of the North, Siberia and the Far East; and to promote a broad awareness of the distinct culture of indigenous minorities among citizens of the Russian Federation and the international community.

The exhibition-fair was attended by representatives of organizations and communities of indigenous minorities of the North, Siberia and the Russian Far East, representatives of the European Commission in the Russian Federation and representatives of federal and regional State authorities.

As part of the exhibition-fair, a round-table meeting entitled "Ecotourism in indigenous territories in the North, Siberia and the Russian Far East" was held on 17 April 2008. Within that round-table framework, discussions were held on Russian and international experience in the development of indigenous ecotourism, on existing problems in this area and also on achievements and future prospects; representatives of organizations, tourist firms and communities delivered presentations on the tours and routes that they had devised; and the development of information and partnership networks among indigenous minority organizations and communities was discussed with the participants concerned.

7. The fifth World Congress of Finno-Ugrian Peoples (hereafter "Congress") was held by the Ministry of Regional Development, in conjunction with relevant federal executive authorities and the Administration of the Khanty-Mansi Autonomous Area — Ugra, from 28 June to 1 July 2008 in Khanty-Mansiisk. The Congress was funded using funds from the federal budget.

The Congress brought together some 600 people, including 276 delegates and 285 observers from 24 Finno-Ugrian and Samoyed peoples (from 27 constituent entities of the Russian Federation and 7 foreign countries): Hungary, Latvia, Norway, Ukraine, Finland, Sweden and Estonia. It was also attended by representatives of a number of international organizations; members of the European Parliament; representatives of the State Duma of the Federal Assembly of the Russian Federation; representatives of the Federation Council of the Federal Assembly; representatives of federal executive authorities; representatives of State authorities of the constituent entities of the Russian Federation; and prominent Russian activists and academics.

8. As part of the implementation of State national policy, indigenous minority experts and representatives of the North, Siberia and the Russian Far East have participated in international activities to implement the Convention on Biological Diversity and also in the work of the Arctic Council.

9. Pursuant to the paragraph of the package on the annual celebrations held to commemorate the International Day of the World's Indigenous People and as part of the implementation of State national policy, a festival of arts of the peoples of the Russian Federation, entitled "Enticing worlds: Ethnic Russia 2008", was held with the participation of the Ministry of Regional Development from February until November 2008 in Moscow and the Moscow, Bryansk, Kaluga, Belgorod, Voronezh and Ryazan regions. The festival included a programme entitled "Family and ancestral traditions from antiquity to the present day" (Moscow, 16-18 May 2008); a programme entitled "Russia day" (Bryansk, 18 June; Belgorod, 22 June and Voronezh, 4, 5 and 6-12 June); a programme entitled "Ethnic images of Russia" (Moscow, 9 August 2008); Moscow day (6-7 September 2008); and the final programme of the festival (Moscow, 28 October-4 November 2008).

Folklore groups from more than 20 indigenous minorities of the North, Siberia and the Russian Far East performed at the festival.

10. Pursuant to the package and in line with the information provided by the Ministry of Culture (in its letter No. 1859-02-1/01 of 13 November 2008), the All-Russia festival of artistic work of the indigenous minority populations of the North took place in two stages during 2007 and 2008: the festival was held in regions of the Russian Federation in 2007 and the final event in Moscow from 5 to 8 September 2008.

The aim of the festival was to contribute to the preservation, continuity and development of the intangible cultural heritage of indigenous minorities of the North; to publicize the best achievements and the full range of traditional and contemporary arts and crafts; to promote better standards of artistry and the establishment of new creative teams; and to help identify genuine craftsmen and provide encouragement for their work.

Up to and including 2008, financial support for the socio-economic development of indigenous minorities of the North was provided by State bodies under the special federal programme "Economic and Social Development of Indigenous Minorities of the North up to the year 2008": in the period 2007-2008, approximately 207.4 million roubles were allocated each year to 29 constituent entities of the Russian Federation; since 2008, 80 million roubles has been allocated under the special federal budget item "Activities for the implementation of State national policy".

At the same time, following an alteration to the arrangements for the implementation of the special federal programme in question — whereby the budgets of the constituent entities of the Russian Federation receive federal budget subsidies for any of their needs — the Ministry of Regional Development has drawn up a draft Government decision approving rules for the distribution and allocation of federal budget subsidies to the budgets of the constituent entities of the Russian Federation in support of indigenous minorities of the North, Siberia and the Russian Far East.

Pursuant to Federal Act No. 204 of 24 November 2008 on the federal budget for 2009 and the 2010-2011 planning period, a separate entry provides support for the economic and social development of indigenous minorities of the North, Siberia, and the Russian Far East in the amount of 600 million roubles in 2009, 636 million roubles in 2010 and 646.46 million roubles in 2011.

Comparable amounts of funds are to be raised from regional budgets. The aforementioned rules for the distribution and allocation of federal budget subsidies to the budgets of the constituent entities of the Russian Federation include a mechanism to ensure that expenditure commitments of constituent entities of the Russian Federation to support the economic and social development of indigenous minorities of the North range from 40 to 90 per cent of federal budget subsidies.

Point 6 of the questionnaire

In order to ensure the meaningful ethnocultural development of the peoples of the Russian Federation and resolve issues relating to inter-ethnic cooperation and partnership with religious organizations, the Ministry of Regional Development of the Russian Federation was established in September 2004 and given responsibility for policy on ethnic issues.

The Ministry is empowered to devise national policy and to draft laws and regulations relating to the socio-economic development of the constituent entities of the Russian Federation, federal-ethnic relations and protection of the rights of ethnic minorities and the native habitats and traditional lifestyles of indigenous minorities and ethnic communities.

The Department for Inter-Ethnic Relations is the lead department of the Ministry of Regional Development responsible for policy on ethnic issues. The Director of the Department is Aleksandr Vladimirovich Zhuravsky (tel. + 7 (495) 980-25-47, ext. 24000).

Point 7 of the questionnaire

Specialized advanced training programmes on the rights of indigenous peoples are being developed for civil service staff. Administrative staff are currently improving their knowledge of issues relating to indigenous peoples while carrying out practical work to implement federal and regional programmes on safeguarding the rights and legitimate interests of the indigenous peoples of the Russian Federation.

Point 8 of the questionnaire

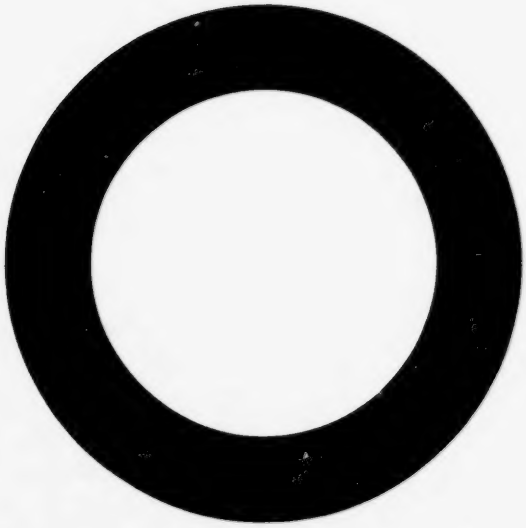
The United Nations Declaration on the Rights of Indigenous Peoples has become a new milestone in the history of protecting the rights of the world's indigenous peoples. It solidifies and advances the collective and individual human rights and fundamental freedoms already laid down in international agreements, focusing them on indigenous peoples. It is particularly important that the Declaration calls for cooperation between indigenous peoples and States as an essential condition for resolving problems.

For many years now, the Russian Federation has had a sound legal framework which meets international standards concerning protection of the rights of indigenous peoples. The principles enshrined in the Declaration were reflected in Russian legislation long before the adoption of the Declaration. Most of its provisions have provided the basis for the recently adopted framework policy for the sustainable development of indigenous minorities of the North, Siberia and the Russian Far East, a unique document established to give practical effect to the standards for the enjoyment of indigenous rights set out in the Declaration.

Some of the provisions of the Declaration, as in the case of any international instrument, could be interpreted in different ways. In this connection, the bodies of the United Nations system — above all, the Permanent Forum on Indigenous Issues — need to fully explain the status and provisions of the Declaration in the context of ensuring the integrity of the system of international law and strict compliance with its principles and norms. This challenge is inextricably linked to the need for widespread education of both States and indigenous peoples about the rights enshrined in the Declaration. The main aim of this process should be to iron out the differences between them and to build trust and cooperation. Indeed, for all the importance of international cooperation, it is the good will and sufficient and effective efforts of States themselves that provide the framework for dealing with indigenous issues.

This is the main objective of the Permanent Forum on Indigenous Issues and of the United Nations system, according to article 42 of the Declaration. As the main platform for the discussion of indigenous issues, only the Permanent Forum can implement this process.

For its part, the Russian Federation reiterates its willingness to strengthen relevant international cooperation in this area. In this regard, the Russian Federation is ready to cooperate closely and constructively with organizations of indigenous minorities in the Russian Federation and views this as a guarantee of the effectiveness of the relevant measures being taken at the international level.



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Items 3 and 4 of the provisional agenda*

Follow-up to the recommendations of the Permanent Forum

Human rights

Information received from Governments

Mexico

I. Response of the Government of Mexico to the recommendations of the Permanent Forum on Indigenous Issues

1. The development of indigenous peoples is a priority for Mexico that involves the coordinated action by the three levels of government, through the National Commission for the Development of Indigenous Peoples (CDI).

2. The annual report on those activities may be consulted at http://www.cdi.gob.mx/index.php?option=com_docman&task=cat_view&gid=18&Itemid=18.

Recommendation 9

3. Since late 2007, CDI has been promoting the consultation on mechanisms to protect the traditional knowledge, cultural expressions and natural, biological and genetic resources of indigenous peoples, which it seeks to complete in 2009, with the aim of establishing a body of law to regulate the protection of traditional knowledge, especially traditional cultural expressions. That process has provided an understanding of how the indigenous population defines traditional knowledge, the current state of that knowledge, factors that endanger it and, in particular, the perceived effects climate change has on it and whether traditional knowledge has been developed to help alleviate them.

Recommendations 10, 11, 17, 25 and 27

4. To encourage the participation and activities of civil society organizations, the Forum on Gender and Sustainable Development in Mexico was held. At the Forum,

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a network of agencies was proposed to work jointly on rural, indigenous, urban and natural issues and thereby to promote the exchange of experience and proposals between the social sector and the government sector.

5. One of the priority research areas for CDI is traditional knowledge, natural resources and the environment; hence it supported in 2008 the study "Climate change and indigenous peoples: documentation and analysis of the problem", in order to examine the topic on the national and international levels and to document strategies for adaptation and mitigation. In 2009, a study is planned on community strategies and traditional practices used by indigenous peoples to adapt to and mitigate the effects of climate change.

Recommendations 19, 31 and 37

6. In 2008, the Programme of Alternative Tourism in Indigenous Areas supported the implementation of 190 ecotourism and rural tourism projects, with a budget of 157.5 million pesos, aimed at rehabilitating, conserving and ensuring sustainable use of the natural resources and attractions in indigenous regions, and their cultural heritage. To support that Programme, 50 alternative tourism destinations in indigenous areas were advertised and promoted in 2008.

7. The Project on Management and Conservation of Natural Resources in Indigenous Areas promotes joint conservation work with agencies and bodies of the Federal, state and municipal public administration, to cooperate in the development and participation of indigenous communities in the preservation of biodiversity, the environment and the natural resources in their territories and regions.

8. The Programme of Promotion and Development of Indigenous Cultures, implemented by CDI, is a strategy for giving effect to the policy of recognizing the multicultural composition of the nation, the right of indigenous peoples to preserve and enrich their languages, their knowledge and the elements that comprise their culture and identity and the right to determine their ways of living with one another and their social, economic, political and cultural organization. At December 2008, 38.84 million pesos had been allocated to support the implementation of 807 cultural projects by indigenous organizations in 768 localities in 26 states, benefiting 14,036 indigenous people — 9,011 men and 5,025 women.

Recommendation 23

9. The fourth National Encounter of Rural, Indigenous and Farming Women was held from 11 to 14 October 2008, in Boca del Río, Veracruz, to provide opportunities for the exchange of experience among rural, indigenous and farming women so as to contribute to the improvement of their community projects and influence the design of gender-focused public policies in the area of food security. The encounter was attended by 400 rural, indigenous and farming women from all over Mexico, and by non-governmental organizations and representatives of the three levels of government involved in rural development and in women's programmes.

Recommendation 62

10. Pursuant to the National Commission for the Development of Indigenous Peoples Act, the Commission's Consultative Council was established. This collegiate and plural body is intended to provide a framework for the initiation of a constructive and inclusive dialogue with indigenous peoples and society. It comprises 198 councillors, namely 140 members of the indigenous peoples of Mexico, 7 councillors representing national academic and research institutions, 12 councillors representing social organizations, 7 councillors who are presiding officers of the Indigenous Affairs Commissions of both chambers of the Congress of the Union and 32 councillors representing the state governments.

11. The Indigenous Consultation System of CDI is a means of recording, systematizing, disseminating and bringing together the opinions, suggestions and recommendations of indigenous peoples and communities with respect to government activities. The system is based on the principles of diversity, equity, permanence, transparency, good faith, effective representation and respect for indigenous cultures and identities. Consultations are carried out using a participatory methodology that involves posing challenging questions on the specific themes dealt with by each consultation, and encouraging the free expression of the indigenous peoples and communities at forums and workshops, colloquiums, etc., while seeking the participation of their traditional institutions and representative authorities.

Recommendation 63

12. The National Commission for the Development of Indigenous Peoples indicated that it will take into account the results of the report on indicators of well-being, poverty and sustainability relevant to indigenous peoples in the work in the field by its Information and Indicators Directorate.

Recommendation 90

13. The Constitution recognizes the rights of indigenous peoples and communities, establishing primarily their rights to self-determination and autonomy; to self-classification; to be recognized as an indigenous people or community; to apply internal legal systems; to maintain cultural identity; to conserve and improve the habitat and to preserve the integrity of their lands; to be consulted and participate; their right to full access to the justice system; and to development under the responsibility of the three levels of government.

14. To date, 30 federal acts and three federal codes that recognize the rights of indigenous peoples and communities have been amended. Similarly, 22 states have amended their local constitutions in the field of indigenous rights and culture; 17 specific local acts have been introduced for indigenous peoples and communities; and in the 31 states and the Federal District secondary acts that establish rights of indigenous peoples and communities have been amended.

15. Together with other Federal Public Administration (FPA) agencies, CDI prepared the 2008-2012 National Human Rights Programme, which contains strategies and policies for CDI and the other FPA agencies relating to indigenous affairs.

16. The Commission has a policy for the development of the effective enjoyment of rights, which includes the promotion of indigenous rights and is aimed at designing materials which will disseminate and raise awareness of the rights of indigenous peoples in order to build a culture of respect for cultural diversity through participation at working sessions, seminars, diploma courses, workshops, forums, congresses, conventions and training courses, and at preparing audio-visual and printed materials with content relating to indigenous rights.

17. On the basis of the Act establishing CDI, in 2008 the Commission, in coordination with other FPA agencies, conducted awareness promotion and capacity-building campaigns for public servants in the field of indigenous rights, inter alia, to promote:

(a) Support for specific projects based on the adaptation and use of the conceptual and methodological framework;

(b) Strengthening of institutional ties and attention to indigenous agendas through the direct transfer of resources; and

(c) Attention to specific sectors and themes and the training of indigenous human resources in the light of the institutional experience gained.

18. In addition, work is being undertaken with community, civil and agrarian indigenous authorities; with community representatives and leaders, community managers, traditional healers and indigenous migrants, and with youths and children, and priority participation by women in the various capacity-building activities is being promoted.

Recommendation 97

19. The National Institute of Indigenous Languages (INALI) has worked on the different problems related to the recognition and effective enjoyment of the linguistic rights of indigenous peoples. It sees as positive developments the constitutional recognition of Mexico's multicultural character and the mention of the right of indigenous peoples to self-determination; the guarantee that the members of indigenous peoples and communities can preserve and enrich their languages, knowledge and all the elements that comprise their culture and identity, and the reforms to the Penal Code and the Code of Criminal Procedure; and the passing of the General Act on the Linguistic Rights of Indigenous Peoples, which resulted in the creation of INALI and of state institutes for indigenous languages.

20. The Institute faces the challenge of carrying out the process of establishing linguistic standardization and the creation of programmes to certify and accredit bilingual technicians and professionals, who are needed to ensure full access to justice and other State services.

21. Similarly, the Coordinating Office for Intercultural Bilingual Education, the General Directorate for Indigenous Education, the National Education Promotion Council and the National Institute for Adult Education of the Ministry of Public Education and INALI have worked on revising indigenous education processes and producing educational and teaching materials in order to arrive at a more suitable model for primary, middle and higher indigenous education.

Recommendation 105

22. One of the commitments made by all the institutions invited to the first International Forum of Indigenous Women, held in Lima in April 2008, was to publicize the recommendations emanating from that event, and to collaborate in the promotion of the activities deriving from those recommendations, especially when they promote the participation, development and equality of indigenous women.

Recommendation 110

23. As a result of the growing awareness and recognition of the rights of migrant and city-dwelling indigenous peoples, policies have been undertaken to afford indigenous populations in cities access to basic needs and courses and workshops have been organized for public servants that deal with the importance of recognizing migrant and urban indigenous people as people with rights who must receive the priority attention required by their high social, economic and identity vulnerability. Special mention should be made of the study entitled "Internal migration and urbanization. Indigenous population in urban centres", which was distributed to all state delegations and all CDI Coordination Centres for Indigenous Development, to promote concrete actions aimed at this sector of the population.

Recommendations 128, 134 and 139

24. A first step towards the implementation of the United Nations Declaration on the Rights of Indigenous Peoples is the dissemination of its content. Accordingly, a campaign is under way to disseminate the substantive articles of the Declaration through the CDI System of Indigenous Culture Radio Stations and the publication of a pocket edition. Similarly, there is the translation into indigenous languages that CDI is having done in coordination with INALI and the offices in Mexico of the United Nations Development Programme (UNDP), the United Nations Information Centre and the Office of the United Nations High Commissioner for Human Rights.

25. At the end of 2008 the translations into Maya and Nahuatl had been published, and they will be distributed in 2009. The completed translations in the process of being published are in Tzeltal, Chol, Mazahua, Huasteca Nahuatl, Northern Chinantec, Isthmus Zapotec and Western Huasteca Nahuatl. In 2009, 20 translations into the most widely spoken and written indigenous languages are expected to be completed.

26. In the context of international cooperation between CDI and UNDP, there are plans to combine the distribution of the translations of the Declaration into indigenous languages with seminars on indigenous rights aimed at the indigenous peoples and communities of Mexico.

27. It is seen as important to ensure, through regional expert meetings, follow up on the results of the international expert group meeting on the role of the Permanent Forum on Indigenous Issues in the implementation of article 42 of the United Nations Declaration on the Rights of Indigenous Peoples.

Recommendation 149

28. CDI issues legal opinions aimed at the conduct of technical and legal studies of draft legislation prepared by federal or local lawmakers, in which legal modifications are proposed to provide the basis for the recognition of indigenous

rights or mechanisms to ensure their effective enjoyment. In that context, legal opinions have been issued on the possibility of:

(a) Establishing the right to acquire, operate and manage communication media for indigenous peoples and communities; and

(b) Establishing access for concession and permit holders to new technologies, and including stations belonging to indigenous peoples and communities.

Recommendation 155

29. In fiscal year 2008, the Government of Mexico made a donation of US$ 21,500.24 to the United Nations Voluntary Fund for Indigenous Peoples. The contribution of another donation equivalent in dollars to 250,000.00 Mexican pesos is planned for 2009.

30. With respect to the work of the Permanent Forum, the Government of Mexico, at the request of the Non-Governmental Organizations Committee on the International Decade of the World's Indigenous Peoples, made a donation of $1,911.13 to support the reception at the seventh session of the Permanent Forum, held in New York on 22 April 2008.

II. Economic and social development

31. The actions and programmes aimed at developing the basic social infrastructure of indigenous peoples and communities and at enhancing the basic capacities of their members account for a significant part of the 2008 budget.

32. Federal expenditure on the indigenous population in 2008, 31 billion Mexican pesos, was 3.8 per cent greater in real terms than in 2007. Major portions of it are allocated to the Opportunities Programme, the Programme of Direct Support to the Rural Areas, the Mexican Social Security Institute Opportunities Programme and the Programme of Basic Infrastructure for Assistance to Indigenous Peoples of CDI.

33. In 2008, the CDI Regional Indigenous Funds Programme financed productive programmes through 203 funds totalling 276.6 million pesos, reaching 10.6 per cent of the target population, that is 17,152 producers, channelled through 1,463 indigenous organizations.

34. In 2008, 6,798.6 million pesos in federal resources were used to support various FPA agencies and bodies to carry out productive activities. Among the most important lines were funds to support agricultural activities and forestry, accounting for 75.6 per cent and 7.2 per cent respectively.

35. The Programme for the Coordination of Support for Indigenous Production carried out by CDI together with municipal and state governments and agencies and bodies of FPA, as well as civil society organizations, supports sustainable productive projects to contribute to revenue-building among the indigenous population and improve its quality of life. In 2008, disbursements totalling 105.1 million pesos were made in support of 249 productive projects that benefited 15,187 indigenous producers.

36. In 2008, together with state governments and federal agencies, CDI agreed on the conduct of 1,957 basic infrastructure works and actions (highways, roads, electrification and potable water and sewers) benefiting 1,479,025 inhabitants of 2,191 highly and very highly marginalized localities, located in 25 states: 0.6 per cent more localities benefited than in the same period the previous year.

III. Indigenous women

37. The National Institute for Women (INMUJERES), as the guiding body for national policy in gender equality, is responsible, among other things, for promoting new equitable relations between women and men in order to bring about a transformation of culture and State structures so that women will be able to enjoy the full exercise of their human rights.

38. The actions, projects and programmes undertaken by the National Institute for Women in 2008 to support the development of indigenous peoples were implemented within the framework of the national policy for equality between women and men and the goals of the National Programme for Equality between Women and Men (PROIGUALDAD) 2008-2012. They included the following:

(a) Institutionalizing a gender-oriented cross-cutting policy in FPA and building the mechanisms to contribute to its adoption by the three branches of the State, by the levels of government and in the private sector;

(b) Guaranteeing legal equality, women's human rights and non-discrimination, in the framework of the rule of law, including through bringing national legislation into line with the Declaration on the Rights of Indigenous Peoples; establishing affirmative action so that indigenous women and girls can have access to scholarships and support funds so as to guarantee equal opportunities of access to all forms and levels of education; ensuring the participation and representation of indigenous women in the formulation of programmes and actions that meet the needs and improve the living conditions of their communities; and publicizing in indigenous communities the sexual and reproductive rights of women, involving men and the communities in respecting and guaranteeing them; and other activities;

(c) Including affirmative actions for women in the special programme for indigenous peoples and biodiversity and including the needs for attention and care of the family members of women participating in the productive programmes, so as to reconcile work and family in the rural environment;

(d) Promoting the empowerment of women, and their participation and representation in decision-making in the State, and consolidating the culture of democracy.

39. To help improve the situation of indigenous women's health through inter-institutional ties that will promote the development and strengthening of their capacities and those of the health workers who provide services in rural and indigenous communities in some of the priority municipalities, in 2008 a campaign was started to promote comprehensive health care for indigenous women. That campaign has two components: (a) training and awareness promotion of health workers and (b) development of the capacities of indigenous women.

40. As part of the first component, in October the National Centre for Gender Equity and Reproductive Health of the Ministry of Health, INMUJERES and the health services of the state of Oaxaca organized an all-day session of awareness promotion and training in gender and reproductive and sexual health aimed at women and men doctors, nurses, social workers, psychologists, community health promoters, traditional healers and midwives of the state of Oaxaca.

41. Similarly, in the second component a radio spot was recorded on the rights of women as health service users, to be broadcast in 2009 by indigenous language radio stations.

42. The Indigenous Women's Productive Organization Programme of CDI seeks to contribute to improving the living conditions and social position of women who live in highly and very highly marginalized localities by strengthening their organization in connection with productive projects. In 2008, 181.3 million pesos were programmed, supporting 2,188 projects, 48.1 per cent more than were supported in 2007. The number of women who benefited was a little over 37 per cent greater than the figure reported for the previous year, up to 26,324 from 19,134. Scholarships were awarded to 207 indigenous women promoters, with a total of 3,000 pesos each.

43. The support provided by the Programme allowed solidarity groups of indigenous women with an incipient level of organization, a high degree of marginalization and scarce economic and commercial experience to strengthen their organizational processes for the development of productive projects.

44. To contribute to reducing gender inequalities in indigenous peoples, CDI carried out the following steps to promote awareness and strengthen indigenous capacities:

(a) A total of 213 actions were carried out, divided into skills and training workshops with indigenous women, youths and authorities; diploma courses to train and certify indigenous promoters; certification processes for indigenous promoters; forums with indigenous women and workshops with representatives of women's hostels;

(b) Agreements were signed with state and municipal and academic institutions and civil society organizations to provide women with health care and to combat violence against women;

(c) Awareness promotion activities for public officials were conducted, divided into diploma courses to train institutional trainers and multiculturality and gender workshops.

IV. Millennium Development Goals

45. With respect to progress in meeting the Millennium Development Goals, the indigenous population indicators, included in the document entitled "The Millennium Development Goals in Mexico: 2006 progress report" are worth noting. Those indicators will be updated by CDI once all the information on the indigenous population that will be gathered by the XIII National Population and Housing Census, to be conducted by the National Statistics and Geography Institute in 2010, is available.

V. Recommendations made by the Permanent Forum

46. The Government of Mexico feels that one of the main difficulties in applying and following up on the recommendations of the Permanent Forum is the large number made at each session. It therefore reiterates that it would be better to reduce their number, focus them on concrete results that would facilitate their follow-up and identify which of them are considered priorities for progress by States.

47. Coordination with United Nations agencies, programmes and funds based in Mexico has been an important factor in advancing the application of the recommendations issued by the Permanent Forum. One example of this is the offer made by UNICEF to (a) train operators of indigenous school shelters operated by CDI in children's rights, so that they can pass on that knowledge to the child users of the shelters and to their communities; and (b) support the acquisition of two mobile units to register children in indigenous communities. To start these areas of cooperation between CDI and UNICEF, a framework agreement will be made in the second half of 2009.

VI. National institution

48. As indicated in the report on follow-up to the recommendations of the Permanent Forum at its sixth session, the Government of Mexico has established CDI, a decentralized non-sectoral body of FPA. It has legal personality, its own assets, operating, technical, budgetary and administrative autonomy; its headquarters are in Mexico City, and it is tasked with guiding, coordinating, promoting, supporting, encouraging, monitoring and evaluating programmes, projects, strategies and public actions for comprehensive and sustainable development of indigenous peoples, pursuant to the provisions of article 2 of the Political Constitution of the United Mexican States.

49. The Commission operates in 24 states of Mexico through 110 Coordination Centres for Indigenous Development, a Centre for Research, Information and Documentation of the Indigenous Peoples of Mexico, 28 regional centres and 1,085 indigenous school shelters.

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Items 3 and 4 of the provisional agenda*

Follow-up to the recommendations of the Permanent Forum

Human rights

Information received from Governments

Columbia**

Summary

This document was prepared on the basis of the questionnaire sent by the Secretary-General in his note DESA/PFII/2008/5. The response to the first question sets out the progress made by the Colombian State in the following areas: consultations and biodiversity; climate change and indigenous peoples; prior consultation with indigenous communities; follow-up to the Millennium Development Goals; education and indigenous peoples; indigenous peoples and human rights; ethnolinguists and indigenous peoples; indigenous radio stations; indigenous games and sports; and the property rights of indigenous peoples in voluntary isolation in the Amazon region.

* E/C.19/2009/1.
** This report is being issued late in order to include the most recent information.

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I. Response to the recommendations of the Permanent Forum on Indigenous Issues

1. In connection with the recommendations made at the seventh session of the Permanent Forum on Indigenous Issues, the Colombian State has made steady progress on many of the issues raised, as described below.

A. Consultations and biodiversity[1]

2. Colombian legislation includes a mandate to engage in ongoing consultations with indigenous peoples when regulations or projects are planned that are likely to affect them directly. One example is Law No. 21 of 1991, which incorporates International Labour Organization (ILO) Convention No. 169 into domestic legislation. In relation to biodiversity, the Ministry of the Interior and Justice carries out a prior consultation process when such projects affect areas where indigenous communities are located. Over the period 2007-2008, four consultations were carried out with the participation of indigenous peoples.

3. Furthermore, the Ministry of Foreign Affairs, the Ministry of Trade, the Ministry of the Environment and the Ministry of the Interior and Justice, together with the Humboldt Institute, are taking part in the discussions being held in the context of the Convention on Biological Diversity on traditional knowledge (article 8 (j)) and access and benefit-sharing.

B. Climate change and indigenous peoples[2]

4. Colombia has two Clean Development Mechanism projects on climate change mitigation which affect indigenous communities. The first project is for degraded land restoration through silvopastoral systems and reforestation in the Colombian Caribbean savannah. The project is aimed at improving the living conditions and income of small-scale producers on the savannahs of Córdoba by restoring degraded land and planting native trees. The second is the Jepirachi Wind Park, located in northern Colombia, which has an installed capacity of 19.5 MW and turbines of 1.3 MW capacity with three blades and a horizontal axis.

5. In addition, Colombia has an extensive area of indigenous reservations and national parks which also help to mitigate climate change through the conservation of natural forest, primarily in the Amazon region and the Sierra Nevada de Santa Marta.[3]

6. The Amazon region is protected because of the indigenous reservations and national parks which occupy approximately 70 per cent of its territory. The Sierra Nevada de Santa Marta, where other conservation plans are also carried out, is protected in the same way. The plans are carried out jointly by four indigenous peoples and their organization Gonawindua; the local governments of the Sierra's four departments and their regional corporations; mayors' offices; the Ministries of

[1] E/2008/43, paras. 9 and 19.

[2] E/2008/43, paras. 10, 11, 17-19, 23-27, 30-31, 36-37 and 39.

[3] The Sierra Nevada de Santa Marta has been designated a World Heritage Site by the United Nations Educational, Scientific and Cultural Organization (UNESCO).

the Interior and Justice, Environment, Housing and Territorial Development, Culture and Education; and also the National Parks Department, the Marine and Coastal Research Institute (Invemar) and the Fundación Pro-Sierra Nevada de Santa Marta.[4]

7. Colombia has also seven climate change adaptation projects which affect indigenous communities directly or indirectly, namely:

(a) The Integrated National Adaptation Pilot Project (INAP), component B, adaptation programme in the Chingaza National Park;

(b) Integration of ecosystems and climate change adaptation in the Colombian massif;

(c) Project for climate change adaptation and mitigation: National Park of Cocuy;

(d) Strengthening of local strategies for climate change adaptation in areas of the Sierra Nevada de Santa Marta that were previously used for illicit drug cultivation;

(e) Living landscape: conservation, regional integration and local development in the Cordillera Real Oriental mountain range (Colombia, Ecuador and Peru);

(f) Socio-economic and physical vulnerability analysis, identification and mapping of the impacts of natural disasters (landslides, erosion, hurricanes, floods and forest fires) that have been exacerbated by climate change in 16 cities located in the ecological region of the Sierra Nevada de Santa Marta;

(g) Identification of adaptation measures for risk reduction that will be incorporated into regional and local land planning;

(h) Climate change adaptation and mitigation in fluvial aquatic ecosystems in the Department of Córdoba, in the context of wetlands restoration and sustainable management.

[4] In addition, during the Government of President Virgilio Barco (1986-1990), the Colombian Institute for Agrarian Reform (INCORA) created reservations on 13 million hectares of indigenous territory in the Departments of Amazonas and Guainia, which, together with the existing reservations in Amazonas, Vaupés and Vichada, form a continuous territory of 20 million hectares. This area corresponds to about half of the Colombian Amazon region, which is inhabited by over 80,000 indigenous persons. In addition, at the beginning of the 1990s, the Colombian State signed ILO Convention No. 169, which provided a positive framework for the rights of indigenous peoples. Furthermore, the Political Constitution of 1991 assigned extensive rights to these peoples and established a new political-administrative division of the country. Today, these large territories are administered by the indigenous inhabitants. The indigenous governments are supported by their communities and the departmental Government, which work together with various central government bodies, such as the Ministry of the Interior and Justice, through its Department of Indigenous Affairs, the Ministry of the Environment, Housing and Territorial Development, the Ministry of Education, the Ministry of Culture, the Amazon Scientific Research Institute (SINCHI), the Natural Parks Department and regional corporations, as well as in cooperation with the NGOs COOMEVA, Gaia Foundation, Tropenbos, Conservation International and Enollano, among others. All of these entities are working together to conserve the ancestral knowledge of these communities and also to conserve the forests.

C. Prior consultation with indigenous communities[5]

8. The Ministry of the Interior and Justice spearheads the process of prior consultation with ethnic communities. Prior consultation is the process through which ethnic groups exercise their fundamental right to participate.

9. In the prior consultation process, the State consults with ethnic groups on the implementation of projects that are taking place in their territories and are likely to affect them directly, as well as on legislative measures that may affect them directly. Prior consultation does not mean that indigenous communities have a right of veto and if a community refuses to participate in or opposes a project without giving substantive reasons, the authority must take a decision that is non-arbitrary as to whether or not the project should be implemented.

10. The Colombian State has spearheaded implementation of the mandates contained in ILO Convention No. 169, as can be seen from the following table:

Consultation processes as of 31 December 2008

Consultation processes completed according to the established procedures	39
Projects on which consultations are taking place	23
Total	**48**

D. Follow-up to the Millennium Development Goals[6]

11. In relation to meeting the Millennium Development Goals established by the United Nations for the year 2015, progress has been made in Colombia in various areas, as summarized below:

Goal 1: Eradicate extreme poverty and hunger

12. For the purpose of reducing poverty and improving the basic living conditions of indigenous peoples, the Colombian State, through the Presidential Agency for Social Action and International Cooperation, has been implementing the following programmes: family forest rangers; infrastructure; services for displaced populations; income generation; Families in Action; donations; food security; protracted relief and recovery operation; housing; and Peace and Development. Annex I contains a description of these programmes to the extent that they relate to indigenous communities.

13. Furthermore, the Ministry of Agriculture and Rural Development has initiated income-generating production projects at the community level that contribute to the well-being of the indigenous population. They include aquaculture projects and projects offering incentives for cocoa and rubber cultivation.

14. Lastly, the Ministry of the Environment, Housing and Territorial Development has signed international agreements with the Global Environment Facility to generate agro-biodiverse crops through its office of participation. Water basins are

[5] E/2008/43, para. 62.

[6] E/2008/43, paras. 63-64.

managed in conjunction with the communities that live around them, and there are plans for joint management and recovery of the affected areas.

15. The education goals are covered in chapter I.E of this report and the gender equality goal is covered in chapter II.

E. Education and indigenous peoples[7]

16. The Ministry of Education carries out extensive ethnic education programmes in order to ensure that the ethnic and cultural identity of indigenous peoples are protected.

17. The goal of this policy is to establish intercultural education in all public and private schools and colleges in the country, so that all children and families understand that the Afro-Colombian, indigenous and Roma cultures are part of the roots of Colombian nationality.

18. Efforts are being made to build on intercultural society. The aim is to ensure that schools recognize the country's diversity by recognizing and showing respect for different cultures.

19. This policy is intended to promote an education that is appropriate to the characteristics, needs and aspirations of various ethnic groups, by developing their cultural identity and supporting multiculturalism and multilingualism.

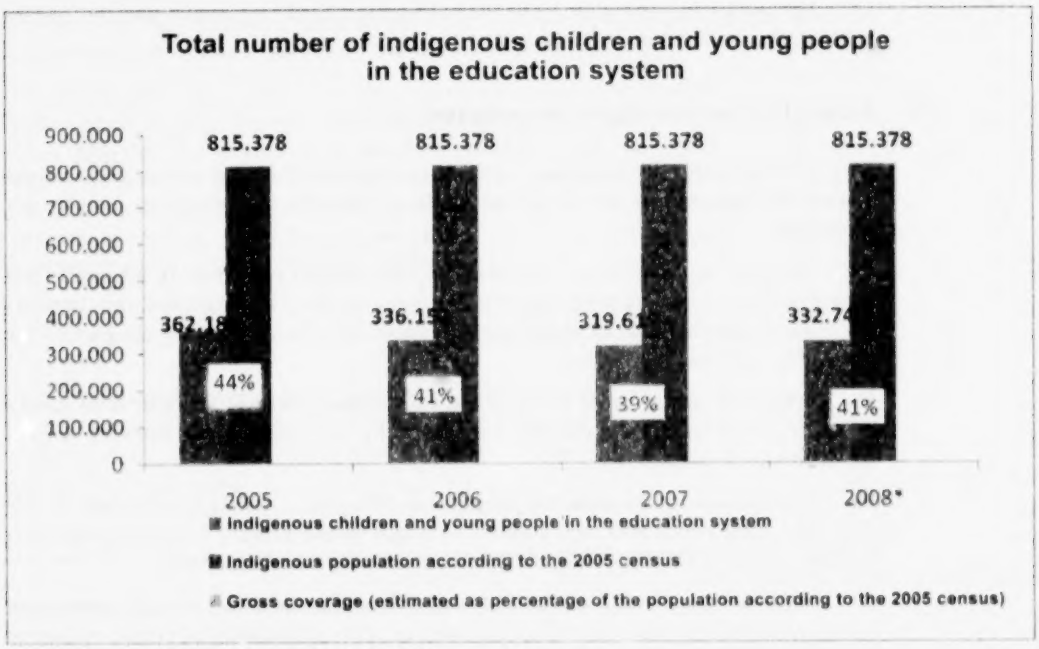
20. The most important aspects of the ethnic education policy are: (i) training of both teacher trainers and teachers; (ii) research; (iii) publication of ethnic education materials; (iv) dissemination of the policy; (v) advisory services and follow-up for the education secretariats and institutions; (vi) strengthening of community processes; (vii) protection of the languages of ethnic groups and (viii) allocation of educational investment for those groups.

21. The ethnic education policy was designed as a direct response to the mandates contained in the Declaration of the International Decade of the World's Indigenous People and the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. It is also part of the commemoration, on 21 May, of the 150th anniversary of the abolition of slavery in Colombia.

22. Work has continued on the project Pensamiento Educativo Indígena (indigenous educational thinking) which is taking place in the Yukuna communities that live along the Apaporis, Pedrera and Caquetá rivers, in the Department of Amazonas. The project links teaching with community work through an ecological calendar based on a profound knowledge of the territory, including the times for harvesting, hunting, fishing and gathering. At those times, children and young people do not attend their usual classes, and the rivers, forests, land, crops and animals become their learning tools.

[7] Ibid., para. 89.

23. The following data are available on the presence of indigenous children in the educational system:



F. Indigenous peoples and human rights[8]

24. The Colombian State recognizes the constitutional and legal rights of indigenous peoples. Annex II to this report contains a compilation of Colombian legislation concerning indigenous peoples.

25. At the international level, the Colombian State has ratified international treaties such as the International Labour Organization (ILO) and Indigenous and Tribal Populations Convention and Convention concerning Indigenous and Tribal Peoples in Independent Countries, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the American Convention on Human Rights.

26. In addition, the Colombian Government complies rigorously with the international recommendations made by human rights protection bodies. This work takes place under the leadership of the Presidential Programme for Human Rights and International Humanitarian Law and the Department of Human Rights of the Ministry of Foreign Affairs. The Colombian State carries out coordination efforts through those institutions.

27. Furthermore, the Committee for Regulation and Risk Assessment for Ethnic Groups (ETNOCRER) was established in 2003 in order to provide human rights services for indigenous peoples. ETNOCRER is part of the Programme for the

[8] Ibid., paras. 90 and 92.

Protection of Social Leaders, which is attached to the Human Rights Department of the Ministry of the Interior and Justice. The indigenous peoples are represented in ETNOCRER, and their representative is chosen by the Indigenous Peoples' Human Rights Commission. In this forum, joint efforts are made to reach agreement with the beneficiaries on individual and collective protection measures for ethnic groups that are at a high risk and threat level. Annex III contains a document which refers to the action plans for indigenous communities that are highly vulnerable and at risk.

G. Ethnolinguistics and indigenous peoples[9]

28. In Colombia, in addition to Spanish, about 65 American indigenous languages are spoken. They vary greatly in their structure, type and origin. Many of them seem to belong to 13 distinct groups of language families and are the result of encounters between different human groups which have come to the Colombian territory over the past 20,000 years. These languages are a fundamental part of both the cultural and spiritual heritage of the nation, and the State therefore has a duty to protect and support them.

29. The Political Constitution recognizes the ethnic diversity of the Colombian people and therefore makes it compulsory for the Colombian State to protect ethnic diversity and cultural wealth. The Constitution also provides that both Spanish and the other 65 known indigenous languages are to be considered as official languages in their respective Colombian territories.

30. The General Education Act[10] and the General Culture Act,[11] as well as the jurisprudence of the Constitutional Court,[12] are examples of the significant progress that has been made in legislation for the same purpose of protecting and promoting languages, in this case indigenous languages.

31. In addition, the Colombian State has been fostering social processes in ethnolinguistics which have been proposed by the indigenous peoples. A series of programmes has also been created which are intended not only to protect but to promote indigenous languages throughout Colombia.

32. Accordingly, the process of consolidation that the indigenous organizations have experienced in the past few years has led them to step up their advocacy of indigenous linguistics, especially in the area of education. As a result, literacy materials have been produced, as well as proposals for the use of these languages in the courts, toponomy and the Civil Registry, inter alia. Forums have also been created for the broadcast of radio programmes in the vernacular throughout a large part of the Colombian territory. The State, through the Ministry of Culture, has collaborated extensively in all of the above initiatives.

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[9] Ibid., para. 97.

[10] Law No. 115 of 1993.

[11] Law No. 397 of 1997.

[12] The 1991 Constitution also protected and promoted native languages. In 1986, the President of the Republic created, through Decree No. 2230 of 1980, the National Committee on Aboriginal Linguistics, which was responsible for advising the national Government on the formulation of policies on indigenous and creole languages. This Committee ceased to function in 1995.

33. In addition to support for the creation and functioning of radio programmes for indigenous communities, the Ministry of Culture in 2005 introduced into the National Programme of Concerted Action an item entitled Process of Recovery of the Cultural Memory of Indigenous Peoples. Over the past three years, the Ministry has co-funded a selection of projects relating to the use and preservation of these languages.

34. Lastly, the projects established by the Ministry of Culture in the area of ethnolinguistics include the following:

(a) A sociolinguistic analysis of the languages of the ethnolinguistic groups present in Colombian territory;

(b) Launching, follow-up and support for the effective implementation of an international cooperation agreement signed by the Ministry of Culture and the Office of the Deputy Adviser on Linguistic Policy of the Government of the Basque autonomous community of Spain;

(c) Creation of the necessary conditions for re-establishing a permanent body to advise the national Government in defining and implementing a policy for the protection and promotion of the languages of the ethnolinguistic groups present in the territory of Colombia;

(d) Launching of a specific call for proposals with a view to supporting projects or initiatives that promote the use, modernization and revitalization of indigenous languages;

(e) Support for the Caro y Cuervo Institute in setting up a network of Internet portals to spread information on the languages of Colombia's ethnic groups;[13]

(f) Collaboration with the General National Archive to establish programmes to archive and document the languages of ethnic groups;

(g) Coordination with the Ministry of Education in spreading the use and study of the languages of ethnic groups in classroom-based education and, more specifically, coordination of related specialized teacher training programmes with the Ministry and universities;

(h) Organization of regional forums with leaders of ethnolinguistic groups and officials of various bodies to raise their awareness of the need to deal with the language problem;

(i) Organization of a great national congress of the Indo-American and Afro-American languages of Colombia to spread knowledge and appreciation in local, regional, national and international public opinion of those languages, which are a part of world heritage.

[13] The Caro y Cuervo Institute is a centre for advanced research and cultural and academic training that develops, designs and manages plans, programmes and projects in the areas of philology, literature, linguistics — Hispanic, indigenous and creole — and the history of the culture of books and reading, with Colombian and foreign public and private bodies, whose interaction makes the Institute a body of bodies. It also develops publishing policies to strengthen and spread the nation's oral and written heritage and serves as a fundamental reference point for the redefinition of Colombian society's future.

H. Indigenous radio stations[14]

35. The 16 public radio stations installed in 16 regions of Colombia by the Community programme of the Ministry of Communications provide approximately 513,000 indigenous members of different ethnic groups in Colombia with a means to communicate and to express their culture.[15] This coverage amounts to about 60 per cent of the indigenous population of Colombia.[16]

36. External audits of the stations concluded that they had been properly installed and the technical parameters required for optimal operation had been met.

37. To set up those radio stations, the Ministry of Communications offers the infrastructure (antennas, transmitters and studio) and the Ministry of Culture trains the indigenous operators in programming and economic management, respecting indigenous cultural needs and systems. Each locality's administration provides the physical space for the installation of the radio station.

I. Indigenous games and sports[17]

38. Travesia Coldeporteando. As part of Travesía Coldeporteando, towards the end of 2007 the Colombian Institute for Sport (Coldeportes) held the indigenous games in the municipality of Puerto Nariño, in the Department of Amazonas. The event included both sports and traditional games of the indigenous people of the region. In addition to affording leisure opportunities to the indigenous participants, the games brought together the other peoples who live in the border area. Indigenous people from Brazil, Peru and Colombia competed in various disciplines such as aerobics, soccer, track and field, swimming and volleyball. The indigenous people also had the opportunity to compete in various indigenous skills, such as blowpipe, log splitting and archery.[18]

39. Copa Hermandad Indigena. The Copa Hermandad Indígena is held in the Department of Putumayo. The sports practised during the competition give the indigenous people from the reservations in the Alto Putumayo, especially the younger ones, the chance to test their skills, encouraging a revival of regional indigenous traditions.

40. Wayuu Games. The Colombian-Venezuelan games of the Wayuu have been held for more than eight years in the Department of La Guajira. Some 1,050 indigenous people compete in events such as cactus throwing, archery and wrestling. One of the goals of the games is to introduce children to Wayuu traditions from an early age.

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[14] Ibid., para. 114.

[15] The indigenous population of the country is estimated at 1,378,884 people.

[16] Eight of the 16 stations were installed during the present administration: 2 in Caquetá, 3 in Cauca, 1 in Nariño and 2 in Putumayo.

[17] E/2008/43, para. 116.

[18] The experience will be repeated in the future with indigenous people of the Department of El Chocó, in western Colombia.

J. Property rights of indigenous peoples in voluntary isolation in the Amazon[19]

41. In Colombia, the only isolated group is thought to be the Caraballo, numbering about 200. The Caraballo live within the recently created Río Puré National Park, which covers an area of 1 million hectares. It is stipulated in the park's act of designation that the Government will acknowledge the rights of the Caraballo to their lands whenever they claim them. There is provision for the park to be made into a reservation if such a change is ever deemed necessary.

42. The land rights of the Nukak, a semi-isolated group in Colombia, have been recognized through the establishment of a reservation. The reservation has an area of 954,000 hectares and lies between the Inírida and Guaviare rivers in the north-western part of the Department of Guaviare. The reservation was designated in 1993 and expanded in 1997.

43. The Yuhup, a transboundary people in the process of sedentarization, are protected on the Yaigoje-Apaporis reservation, with an area of 1,020,320 hectares. The reservation is located in the Departments of Vaupés and Amazonas, in the area of the border with Brazil.

II. Activities and policies related to indigenous women

44. The Colombian State is mandated to include a gender perspective in programmes, projects and policies.[20] In 2005 the Presidential Advisory Office on Gender Equality designed and coordinated the implementation of three workshops and a central meeting of indigenous women, as a means of generating opportunities for dialogue and drawing attention to the importance of the actions taken by indigenous women at the community level. At each workshop, discussions were held on the specific problems of the seven participating ethnic groups in terms of the needs and experiences of indigenous women in each indigenous community, based on an analysis of political, economic, ideological and social power. The seven ethnic groups who participated were the Guambiano, Arhuaco, Wiwa, Wayuu, Kankuamo, Huitoto and Ticuna. Bulletin No. 8 of the Presidential Advisory Office's Monitoring Centre on Gender Issues documents this process and provides a regulatory and statistical assessment of the current situation of the country's indigenous women.[21]

III. Difficulties in the implementation of the recommendations of the Permanent Forum

45. The obstacles identified to implementing the recommendations of the Permanent Forum on Indigenous Issues, and to developing certain projects, include issues related to the representativeness of indigenous leaders. Problems arise when establishing dialogue with the leaders of organizations of indigenous peoples

[19] E/2008/43, para. 143.

[20] Gender perspective is defined in article 12 of Law No. 1098 of 2006 as "the recognition of social, biological and psychological differences in relations between individuals according to their sex, age, ethnic group and the role they play in the family and the social group".

[21] Available at http://equidad.presidencia.gov.co/publicaciones/documentos/oag_boletin_8.pdf.

because while some communities consider them their legitimate representatives, others say they do not feel represented by them. Within the communities themselves, there are sometimes problems concerning the legitimacy and representativeness of the people who serve as their representatives. Finally, in some areas of the country, the influence of illegal armed groups has hindered and disrupted the implementation of programmes and projects with indigenous communities.

IV. Factors that have facilitated the implementation of the Forum's recommendations

46. The legal and institutional platform in Colombia has facilitated to a large extent the implementation of the recommendations of the Permanent Forum.[22] Many of the recommendations have been fulfilled by existing programmes and projects designed to pay preferential attention to indigenous peoples and communities, pursuant to Colombian legislation.

V. Laws, policies and other similar concrete instruments to respond to the problems that affect indigenous peoples

47. The Colombian State has made considerable progress in the development of a legislative framework to effectively implement the rights of indigenous peoples and communities (see annex II).

VI. National institutions that coordinate indigenous issues

48. To pay special and differential attention to indigenous peoples, in May 2008 the Government of Colombia established the Directorate of Indigenous, Minority and Roma Affairs.[23] Other agencies, both national and in the country's departments,

[22] The Inter-American Development Bank's indigenous legislation index places Colombia in first place in terms of the quality of its cultural rights legislation and indigenous legislation.

[23] Article 3 of Decree No. 1720 of 2008 defines the main functions of the Directorate as follows:

1. To propose policies designed to recognize and protect ethnic and cultural diversity, especially of indigenous and Roma peoples.
2. To safeguard the ethnic and cultural integrity of the indigenous and Roma peoples and to promote their fundamental rights.
3. To design programmes to provide technical and social assistance and policy support for the indigenous and Roma communities and lesbian, gay, transgender and bisexual people.
4. To conduct inter-institutional coordination to establish the means for participation by indigenous peoples set forth in legislation, and to promote the participation of whichever organizations and authorities represent them.
5. To support the Prior Consultation Group in consultations on development projects that affect indigenous and Roma communities.
6. To promote conflict resolution in accordance with the traditions and customs of indigenous and Roma communities.
7. To maintain the register of the traditional indigenous authorities recognized by their respective communities, and of associations of indigenous authorities.
8. To promote a differential approach in the work of the Ministry and the other State agencies that serve the needs of the indigenous and Roma population.

have offices specializing in the promotion and protection of indigenous peoples, in accordance with each agency's area of activity. Finally, supervisory bodies also have offices responsible for protecting the rights of indigenous peoples, such as the Office of the Deputy Ombudsman for Indigenous and Ethnic Minority Affairs and the Office of the Deputy Procurator for Prevention in the Field of Human Rights and Ethnic Affairs.

VII. Regular capacity-building programmes on indigenous issues for national civil servants

49. The School of Public Administration is the specialized Government entity that provides training to civil servants. Using public and international cooperation funds, this entity offers training programmes that enable civil servants to better perform their duties. It also promotes academic activities aimed at guaranteeing the democratization and social control of the administration. In 2003, the School of Public Administration developed a certificate programme on indigenous legislation in six areas of the country, including the Departments of La Guajira, Arauca and Huila. The programme was aimed at members of indigenous communities and civil servants. In addition, the Rodrigo Lara Bonilla Judiciary School, which provides training to the country's judiciary, specifically covers the relationship between indigenous peoples and special indigenous jurisdictions in its human rights training.

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9. To advise the offices of governors and municipal mayors on providing due attention to indigenous communities, the Roma people and lesbian, gay, transgender and bisexual people.
10. To carry out the socio-economic studies necessary for the designation, amelioration, expansion and restructuring of indigenous reservations.
11. To coordinate with the Ministry of the Environment, Housing and Territorial Development and the Colombian Institute for Rural Development to promote the establishment of environmental agendas in conjunction with indigenous communities.
12. To advise the Minister in the exercise of administrative supervision and of the functions of ultimate authority of the Administrative Sector of the Interior and of Justice concerning matters pertaining to the post.
13. To plan and implement procedures to award titles to the lands of indigenous communities and lands necessary for communities affected by natural and man-made disasters, coordinating with agencies of the Ministry and bodies involved.
14. To propose draft laws, draft legislative acts or draft legislative amendments, and to analyse regulations and jurisprudence in coordination with the Directorate of the Legal System and the Directorate of Political and Electoral Affairs in their submission, discussion and follow-up in areas within its competence.
15. To manage the procurement of complementary resources to fund programmes in areas within its competence, in coordination with the Office of International Cooperation Affairs.
16. To participate on the boards, commissions, committees and technical groups of which it is a member or when so delegated by the Minister or Deputy Ministers.
17. To guarantee the maintenance of the Institutional Communication, Information and Attention System.
18. To guarantee the exercise and sustainability of the administrative development, quality management and internal oversight system, and to monitor its effectiveness and the observance of its recommendations in areas within its competence.
19. To support the activities of the Ministry's Centre for Political Studies and Centre for Legal Studies in matters within its competence.
20. To receive petitions, requests and consultations on matters within its competence.
21. To perform such other functions as may be assigned in accordance with the nature of the body.

VIII. Information on the Government's promotion and implementation of the United Nations Declaration on the Rights of Indigenous Peoples

50. The Colombian Constitution and body of law, as well as the international instruments ratified by Colombia, are consistent with most of the provisions of the United Nations Declaration on the Rights of Indigenous Peoples. However, while the Declaration is not a legally binding norm for the State and in no way constitutes the establishment of conventional or customary provisions that are binding for Colombia, some aspects of the Declaration were found to be in direct contradiction with the Colombian internal legal system, which led the Colombian State to abstain in the voting on this text. The reasons for the State's abstention were presented at the plenary meeting of the General Assembly on 13 September 2007.

Annex I

Social action programmes aimed at reducing poverty in indigenous communities

Food security

One key initiative is the Food Security Network (RESA), carried out in the Department of Cauca, which brings together 23,720 families in the jurisdictions of Toribío, Caldono, Cajibío, Caloto, El Tambo, Rosas, La Sierra, Sotará, La Vega, Almaguer, San Sebastián, Bolívar, Santa Rosa and Popayán. An additional agreement is under way with the Yanacona community, which will benefit another 1,808 families. Some 72,000 indigenous families in the rest of Colombia are part of RESA.

Infrastructure

As part of the social and community infrastructure renovation process, residences and basic social infrastructure were rebuilt in the municipalities of Caldono, Jambaló and Toribío, whose populations are mainly indigenous. A total of 29 construction projects worth 701 million pesos were completed and 865 residences were rebuilt for a total investment of 447 million pesos.

The Construction for Peace project has provided funds to municipalities with primarily indigenous populations, such as Jambaló, La Sierra and La Vega, for hospitals, bridges, aqueducts, schools and electrification. Total investment was 1.406 billion pesos.

Families in Action

All the municipalities in the Department of Cauca, including those with indigenous populations, participate in the Families in Action programme. In addition to the thousands of indigenous households that already qualify for food and education grants as "level one" households under the Beneficiary Identification System (SISBEN),[24] or as displaced persons, new indigenous communities throughout the country are being registered in the programme. A total of 8,272 indigenous families in Nariño, La Guajira, Putumayo, Cesar and Tolima have begun the registration process in their own communities and are already receiving conditional assistance.

Family forest rangers

The family forest rangers programme has benefited 6,153 indigenous families in Leticia and Puerto Nariño (Amazonas), Mitú (Vaupés), Natagaima (Tolima), La Vega and San Sebastián (Cauca), Colón, San Francisco, Sibundoy, Santiago and Mocoa (Putumayo) and Ungía and Belén de los Andaquíes (Chocó). A total of 614 families on the Guachicono reservation in La Vega and 150 families on the Papallacta reservation in San Sebastián have become beneficiaries.

[24] SISBEN is a national beneficiary identification and selection system that conducts surveys to obtain information on the socio-economic situation of individuals and to classify them, with a view to allocating grants and social benefits provided by the State to the poorest and most vulnerable populations in Colombia.

In addition, the President's Programme against Illicit Crops benefits the Katmensa and Inga indigenous communities.

The Indigenous Artisans project provides training to 222 families in the Department of Putumayo in design, tools, raw materials, preparation for Expoartesanías 2008 and the development of logos to market their products.

Assistance for displaced persons

The National System for Integral Assistance to Displaced Persons (SNAIPD), which is managed by the Presidential Agency for Social Action and International Cooperation, provides assistance to indigenous communities that have been displaced as a result of violent conflicts.

In that connection, SNAIPD has provided support to the Nukak Makú and Embera Katío-Chamí communities, and has assisted the return of the Chimila community in the Department of Magdalena.

SNAIPD has held meetings to discuss and find solutions to the issues facing the Awá community, located in the Department of Nariño.

In addition to these initiatives, the Agency's registration department has made progress in identifying and collecting information on the displaced indigenous population.

As of the end of August 2008, a total of 56,000 indigenous individuals were listed in the National Register of Displaced Population (RUPD), which allows them to apply for institutional aid as displaced persons.

Peace and Development and Peace Laboratories

The Presidential Agency's Peace and Development programme supports initiatives in the areas of food security, housing, land titling and income generation in Montes de María, the Colombian massif and the Alto Patía.

The organizations that help carry out these projects include the Yanacona Council, the Agricultural Association of Displaced Farmers and Indigenous Peoples of Alto Naya (ASOCAIDENA), the Agricultural Association of Indigenous Farming Peoples of San Sebastián (AGROINCAMS), the Yanacona Indigenous Council of San Juan-Frontino and the Indigenous Council of the Río Blanco Sotará Reservation.

Tierradentro project

The indigenous communities of Tierradentro, Cauca, which have undergone a major rebuilding following the earthquake of 6 June 1994, have made much progress thanks to a management and participation strategy supported by international development assistance as well as the national Government through the Presidential Agency for Social Action.

Throughout the duration of the Tierradentro project, between 2001 and 2005, grass-roots indigenous organizations participated in strategic and operational decision-making and in the direct implementation (supported by the European Union) of agreements worth over €4.4 million, in addition to the €0.5 million provided by local institutions.

The individual projects, which have since been turned over to the communities, have covered topics such as organizational support, local individual talent, infrastructure and equipment, basic financial capital, and institutional planning, management and coordination capacity.

The projects involved issues such as the establishment of a credit fund, human rights, gender, alternative energy, environmental certification and international marketing, an intercultural research centre, the use of guadua in the agroforestry sector, the study of high plateaux and lagoons for environmental planning and management of international development assistance, including social and productive infrastructure components, community development, production and marketing of goods, and the environment.

The project was carried out in the Tierradentro region, in south-west Colombia, which is listed as a UNESCO World Heritage Site. The site comprises the municipalities of Páez and Inzá, which are located in eastern Cauca. The majority of the region's inhabitants belong to the Páez and Guanacas indigenous communities. Black and mestizo communities also live in the area.

Habitat and housing

The Presidential Agency for Social Action promotes improved quality of life by creating adequate living conditions and by implementing the Government's social housing policy through housing programmes. Projects have been developed to benefit indigenous communities throughout the country.

In 2007, eight projects were carried out to benefit 572 indigenous households for a total investment of 923 million pesos; in 2008, four projects were under way, involving the participation of 230 indigenous families. The communities that have signed on to these projects over the last two years are the Wiwa, Kankuamo, Awá and Chimila.

Productive and social linkages

Two of the strategic focuses of the income generation programme — the conversion of unproductive assets to productive assets and the business capitalization of mini-production chains — are of particular benefit to indigenous communities.

The first seeks to improve the social and/or economic conditions of the population through the conversion of assets that have productive potential or could serve a social purpose but that, for various reasons, are currently unused or underutilized.

The second emphasizes capacity-building for productive organizations and the strengthening of social cohesion through the provision of support necessary for the strengthening of businesses as real alternatives for generating sustainable income and improving quality of life.

Donations

The Presidential Agency's donations management programme has made 136 shipments in total to indigenous communities established in 11 departments in the country.

Donations range from construction materials to livestock but also include household goods, clothing, cleaning products and food. The Department of Cauca has received 745 million pesos in donations.

Production projects

The Production Projects programme matches indigenous communities and households to development projects representing alternatives to illicit crops.

Such projects have been carried out in five departments and six municipalities. Participating communities include the Páez, Guambiana, Arquia, Inga and Kamza, and the programme has benefited 230 families.

Annex II

References of some relevant Colombian legal standards in favour of indigenous peoples

Within the Colombian legal framework for the protection of indigenous peoples, a number of legal standards are worthy of note, such as:

1. Constitution

Fundamental principles: ***article 1*** (Colombia is a social State governed by the rule of law, organized as a unitary, decentralized, democratic, participatory and pluralistic Republic with autonomous territorial units, and founded upon respect for human dignity, work, solidarity among its people and the primacy of the general interest); ***article 2*** (fundamental goals of the State and Government authorities); ***article 7*** (State recognition and protection of the ethnic and cultural diversity of the nation); ***article 8*** (protection of the cultural and natural wealth of the nation); and ***article 10*** (official languages of Colombia, including the languages of ethnic groups in their territories; bilingual education in those territories).

Rights, guarantees and duties: ***article 11*** (right to life, prohibition of the death penalty); ***article 13*** (freedom and equality of all people, non-discrimination); ***article 17*** (prohibition of slavery, servitude and human trafficking in all its forms); ***article 18*** (freedom of conscience); ***article 19*** (freedom of worship); ***article 37*** (freedom of peaceful public assembly); ***article 38*** (freedom of association); ***article 40*** (right to participate in the establishment, exercise and control of political power); ***article 43*** (equality of rights and opportunities for both genders and certain specific measures to protect pregnant women and women heads of household); ***article 63*** (communal lands of ethnic groups and reservations are inalienable, imprescriptible and guaranteed against seizure); ***article 64*** (access for agricultural workers to land ownership and other services to improve income and quality of life); ***article 65*** (priority granted to agricultural development, protection of food production and priority granted to various related activities); ***articles 67 and 68*** (relating to education as a right and as a public service that has a social function; in the case of ethnic groups, this includes the right to an education that respects and develops their cultural identity); ***article 70*** (promotion of culture, recognition of cultural diversity as the basis of nationality, and recognition of the dignity and equality of all cultures coexisting in the country); ***article 72*** (protection of national cultural heritage); ***article 79*** (right to a healthy environment and to community involvement in decisions affecting it); ***articles 86, 87, 88 and 89*** (mechanisms that protect rights, such as *amparo*, compliance proceedings, class actions and such other actions as may be provided for by law); ***article 90*** (various provisions concerning the right to reparations).

Inhabitants and territory: ***article 96*** (Colombian nationality; extension of nationality to indigenous peoples sharing border territories, applying the principle of reciprocity in accordance with public treaties).

Specific provisions relating to the legislative branch: ***article 171*** (election and composition of the Senate; includes a special constituency for the election of senators by indigenous communities) and ***article 176*** (election and composition of

the House of Representatives; a constituency for ethnic groups is among its special constituencies).

Specific provisions relating to the judicial branch: ***article 246*** (special jurisdiction of the authorities of indigenous peoples) and ***article 247*** (justices of the peace).

Territorial organization: ***article 286*** (classifies indigenous territories as territorial entities); ***article 287*** (autonomy of territorial entities); ***article 329*** (issues relating to indigenous territorial entities) and ***article 330*** (indigenous territories shall be governed by autonomous councils formed and regulated according to the traditions and customs of their communities; defines the functions of such councils; establishes that the exploitation of natural resources in indigenous territories shall be effected without impairing the cultural, social and economic integrity of the communities, whose participation in decision-making with regard to such exploitation shall be encouraged).

Distribution of resources: ***article 356*** (participation of territorial entities in the revenue-sharing system; includes a provision on the participation of indigenous territories or reservations in that system).

2. Legislation

Provisions relating to indigenous territories

- **Decree No. 1397 of 1996**: Decree establishing the National Commission for Indigenous Territories and the Permanent Committee for Consultation with indigenous peoples and organizations, and containing other provisions.
- **Law No. 1152 of 2007**: Law providing for the Rural Development Statute and for the reform of the Colombian Institute for Rural Development (INCODER), and containing other provisions.

Provisions relating to education

- **Decree No. 525 of 1990**: Among other issues addressed, provides for the development of the Pilot Experimental Centres.
- **Decree No. 1490 of 1990**: Adopts the New School Methodology and exempts minority ethnic populations that use ethnic education curricula.
- **Law No. 30 of 1992**: Organizes higher education as a public service.
- **Law No. 115 of 1994**: General Law on Education. Includes standards relating to ethnic education.
- **Decree No. 804 of 1995**: Governs education services for ethnic groups.

Provisions relating to the environment

- **Law No. 99 of 1993**: Establishment of the Ministry of the Environment, reorganizing the public sector responsible for the management and conservation of the environment and renewable natural resources; establishment of the National Environmental System; other provisions.

- **Decree No. 1768 of 1994**: Reforms the Regional Autonomous Corporations charged with the protection and management of the environment and natural resources.
- **Decree No. 1867 of 1994**: Regulates the National Environmental Council.
- **Decree No. 1868 of 1994**: Complements the organizational structure of the Ministry of the Environment.
- **Decree No. 1791 of 1996**: Establishes the regime for the use of forests.
- **Decree No. 1320 of 1998**: Regulates prior consultation with indigenous and black communities vis-à-vis the exploitation of natural resources within their territory.
- **Resolution No. 128 of 2000**: Contains complementary provisions governing the participation of representatives of indigenous communities in the Autonomous Corporations Governing Council.
- **Law No. 685 of 2001**: Establishes the Mining Code and contains other provisions, among them regulations relating to the cultural integrity of ethnic communities and groups, indigenous mining areas, precedence rights for indigenous peoples regarding concessions in indigenous mining areas, other standards relating to concessions in indigenous areas, restricted indigenous areas and economic participation of aboriginal communities and groups.

Provisions relating to human rights

- **Law No. 24 of 1992**: Establishes the organizational structure and functions of the Office of the Ombudsman and contains other provisions.
- **Decree No. 1396 of 1996**: Establishes the Indigenous Peoples' Human Rights Commission.

Provisions relating to associations

- **Decree No. 1088 of 1993**: Allows indigenous councils and/or traditional indigenous authorities to establish associations in the form of public-law entities of a special character.

Provisions relating to participation

- **Law No. 48 of 1993**: Regulates enlistment and mobilization and establishes that indigenous people residing in their own territory and preserving their cultural, social and economic integrity are exempt from compulsory military service.
- **Law No. 62 of 1993**: Establishes rules for the National Police, including a provision for the participation of a representative of indigenous communities in the National Police and Citizen Participation Commission.
- **Decree No. 2231 of 1995**: Establishes the Inter-institutional Participation Committee, attached to the Ministry of the Interior, which advises the Government on the coordination and adoption of policies for the development of civil society and participatory democracy. Its members include an association representing ethnic organizations.

Provisions relating to current national revenue

- **Law No. 715 of 2001**: Basic rules on resources and competencies in accordance with articles 151, 288, 356 and 357 of the Political Constitution and other provisions aimed at organizing the provision of education and health services, among others. Includes rules on the allocation and administration of resources for indigenous reservations under the revenue-sharing system (article 83, paragraph 4, as amended by Decree No. 1512 of 2002).
- **Decree No. 159 of 2002**: Partially implements Law No. 715 of 2001, including a number of elements relevant to the allocation of resources to indigenous reservations.
- **Law No. 141 of 1994, as amended by Law No. 756 of 2002**: Laws relating to the National Royalties Fund and including rules for the payment of royalties collected by the State from the exploitation of non-renewable natural resources and the criteria applied to their distribution and use.

Provisions relating to health

- **Decree No. 1811 of 1990**: Partially implements Law No. 10 of 1990 in respect of the provision of health services for indigenous communities.
- **Law No. 100 of 1993**: Establishes the comprehensive social security system. Includes specific rules relating to indigenous communities, one of which establishes the particular importance given to members of these communities in respect of access to the subsidized social security regime, which benefits the poorest and most vulnerable people.
- **Decree No. 0757 of 1995**: Partially regulates the Solidarity and Guarantee Fund.
- **Decree No. 2357 of 1995**: Regulates certain aspects of the subsidized health regime.
- **Decree No. 330 of 2001**: Contains rules for the establishment and functioning of health promotion organizations, composed of indigenous councils and/or traditional indigenous authorities.
- **Law No. 691 of 2001**: Regulates the participation of ethnic groups in the General Social Security System for Health.
- **Agreement No. 0244 of 2003 of the National Council on Social Security for Health**: Defines the nature and conditions of operation of the subsidized regime of the General Social Security System for Health and contains other provisions.

Other provisions

- **Law No. 270 of 1996**: Statutory Law on the Administration of Justice. Includes provisions on the special indigenous jurisdiction.
- **Decree No. 427 of 1996**: Implements Decree No. 2150 of 1995 on paperwork reduction.
- **Decree No. 2546 of 1999**: Concerns restructuring of the Ministry of the Interior. Provides for an Office of Indigenous Affairs.

Main legislation on international matters

- **Law No. 21 of 1991**: Approval of ILO Convention No. 169 of 1989.
- **Law No. 43 of 1993**: Rules relating to nationality.
- **Law No. 145 of 1994**: Adoption of the Agreement Establishing the Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean, signed in Madrid in 1992.
- **Law No. 191 of 1995**: Provisions on border areas.
- **Decision No. 391 of 1996 of the Commission of the Cartagena Agreement**: Common regime on access to genetic resources.

Annex III

Development of action plans to benefit indigenous communities that are highly vulnerable and at risk

As part of the political recognition of indigenous peoples and the State's constitutional obligation to protect the nation's ethnic and cultural diversity, giving priority to the most vulnerable communities, the Comprehensive Plan to Support Vulnerable and At-Risk Indigenous Communities has been drawn up and adopted, and has been used as a basis for the development of 11 action plans for vulnerable indigenous communities that are at high risk, which include the following components: food security, health, education, habitat (housing improvements, water purification, basic sanitation, environmental management, zoonosis control), strengthening of organizational capacities, infrastructure (roads, bridges, schools), land, support for and protection of the family, and education and training by the National Training Service (SENA).

The Comprehensive Plan, adopted by the National Council for Comprehensive Assistance to Displaced Populations (Agreement No. 005 of 13 June 2006), fulfils recommendation No. 5 with regard to indigenous communities at risk of disappearance. In this context, the common aim of the Office of Ethnic Affairs of the Ministry of the Interior and Justice, the Presidential Agency for Social Action and International Cooperation, the Presidential Programme for Human Rights and other entities is to take cross-cutting institutional action to support indigenous communities that are highly vulnerable and at risk, and to respond to court orders to support measures that will help improve living conditions for these communities.

The measures taken in this regard are as follows:

1. **Workshops for the development of action plans**: Carried out under the Comprehensive Plan adopted by the SNAIPD Council. Through Agreement No. 005 of 2006, all the necessary action is being taken to organize 11 workshops for the development of 10 action plans, which provide information about the criteria to be met and steps to be taken in order to benefit from the RESA programme.

2. **Budget invested**: Using resources under Agreement No. 200 of 2006, food security projects worth 6,634,002,000 pesos and housing projects worth 1 billion pesos were implemented in 2007 and 2008 as part of the RESA social action programme.

Implementation of the Comprehensive Plan

Elaboration and harmonization of 12 departmental action plans

Department	*Beneficiary communities*	*Date*
Guajira	Wiwas	21-22 March 2007
Chocó	Wounan and Embera Katio	18-19 April 2007
Guaviare	Guayabero and Nukak	25-26 April 2007 Regional follow-up

Department	*Beneficiary communities*	*Date*
Meta	Guayaberos, Sikuani	30-31 May 2008 Follow-up, 26-27 August 2008
Casanare	Sáliba, Cuiba, Sikuani, Yamalero, Yaruro, Maiben-Masiware, Tshiripo, Amorua and Wipiwi	13-14 June 2007 Follow-up, 5-6 June 2008 and 3-5 December 2008
Cesar	Yukpa	27-28 June 2007 Follow-up, 5-6 March 2008
Cordoba	Women heads of household — Zenú indigenous group	11-12 June 2007 Follow-up, 7-8 May 2008
Risaralda	Embera Chami	2-3 May 2007 Follow-up, 24 September 2007 and 12-13 April 2008
Guainía	Curripaco, Piapoco, Puinave, Cubeo, Sicuani, Piaroa, Tucano, Guanano, Piratapuyo, Baniva, Yeral	6-7 November 2007 Follow-up, 8-9 April 2008 Workshop for the El Paujil reservation, 19-21 August 2008
Arauca	U'wa, Macaguan, Hitnu, Betoyes, Ingas	28-29 November 2007 Follow-up, 9-10 July 2008
Valle del Cauca	Displaced persons from the Embera Chami indigenous group	12-13 December 2007 Main problems involved in relocating displaced population
Vichada	Amorua	2-3 October 2008

3. Implementation of the Comprehensive Plan

(a) Establishment of an inter-institutional committee to promote the comprehensive plan. The committee is composed of national entities, including the Colombian Institute for Rural Development (INCODER), the Colombian Family Welfare Institute (ICBF), the Office of the Procurator-General, the Office of the Ombudsman, the Presidential Agency for Social Action and International Cooperation, the Ministry of Social Protection, the Ministry of National Education and the Ministry of Agriculture.

(b) Development of regional inter-institutional coordination on the elaboration of the action plans.

(c) The purpose of the aforementioned coordination is to harmonize the Comprehensive Plan with the programmes developed by the entities comprising the inter-institutional committee.

(d) Follow-up to the action plans.

4. **Inter-institutional meetings with the Food Security Network (RESA) programme and the Housing and Habitat Programme developed by the Presidential Agency for Social Action and International Cooperation.** Six operational and follow-up committees reviewed the processes carried out with indigenous communities and assessed the efforts of the RESA programme and other programmes of the Presidential Agency.

5. **Measures taken with the National Registry of Civil Status to register indigenous beneficiaries of the Plan.** Within the framework of the inter-institutional committee established to support the Comprehensive Plan, the National Registry of Civil Status held registration drives in various departments: 665 indigenous persons were registered in Risaralda; 367 in Amazonas; 640 in La Guajira; 312 in Meta; 519 in Cauca; 418 in the first drive and 221 in the second drive in Cesar; 310 in North Santander; and 234 in Casanare. In an effort to deal with the problem of indigenous persons begging in Bogotá, steps were taken to ensure the return of 119 registered Chami from Risaralda.

6. **Preparation of a baseline study on food insecurity among the various indigenous communities in Colombia, with a view to implementing Government programmes.** A comprehensive review of food insecurity among vulnerable indigenous populations was undertaken. This study served as a baseline for the project on food security for vulnerable indigenous populations, which will be financed by the Andean Community.

7. **Child protection.** Within the framework of the Comprehensive Plan, a strategy was developed for coordinating entities by sector at the departmental and local levels. At the national level, coordinated efforts were made with the Presidential Agency for Social Action to provide differential services to displaced and vulnerable populations, and with ICBF to introduce policy adjustments and organize new types of assistance for indigenous children, especially in Risaralda, Arauca and Guainia. ICBF, district entities and the Bogotá branch of the Presidential Agency for Social Action worked together to deal with the case of indigenous beggars in Bogotá.

8. **Assistance for the Nukak indigenous people.** The National System for Integral Assistance to Displaced Persons has coordinated differential comprehensive assistance initiatives for the Nukak population displaced in San José del Guaviare, including:

- Humanitarian assistance, health care, food security and basic sanitation;
- Ongoing support by the ICBF mobile team, daily visits by a health advocate and weekly visits by a doctor, with monitoring by an expert consultant;
- Return to Arahuato and strengthening of the Arahuato health post by stationing a health advocate in Guanapalo;
- Establishment of an inter-institutional committee to prepare a medium- and long-term plan;
- Establishment of a regional committee, which meets regularly to assist the indigenous persons remaining in San José, with institutional support from the Office of the Vice-President, with a view to implementing an agreed action plan.

The process confirmed the need to focus on and prioritize certain types of communities, including those which, until recently, were still semi-nomadic; those which have become increasingly isolated as a result of colonization, agricultural development and large-scale projects; and those which have been displaced and are subsisting on the outskirts of certain towns and cities. Such is the case of the Yukpa indigenous community of the Serrania del Perijá, which lives in extreme poverty; the ethnic groups of Casanare, who, hemmed in by cattle ranches and rice plantations, have been forced to abandon their traditional migration; the ethnic groups of Guainía and Arauca, who have been forced into begging, prostitution and drug addiction and who have suffered the consequences of administrative corruption; the Embera Katío of Chocó, whose very structure has been shaken by internal and external violence over a gold mine and who have repeatedly fled to Bogotá and other cities, where they survive by begging. Each of these cases requires different treatment. All these communities have organizational weaknesses and no knowledge of the country's social and institutional order, and therefore have difficulty in dealing with external threats. They are also affected by internal conflicts, loss of identity, cultural dissolution and, in some cases, mismanagement of Government funds by their authorities and leaders. What is worse, they have all suffered the effects of the armed conflict that has been escalating near the borders and in the jungle.

Positive results

The positive results of the development, implementation and follow-up of the action plans for vulnerable indigenous communities include the following: planning exercises with the communities and their leaders, on the one hand, and departmental and municipal entities and officials, on the other, have led to true consensus-building and the coordination of initiatives. It has also helped highlight the situation of the most vulnerable indigenous communities; strengthen the development of community and regional institutions; and enhance the indigenous populations' organizational development. Throughout the process, it was necessary to stress, in various ways, the need for local, regional and national institutions to commit to implementing the action plans. Each department has a different administrative dynamic and a different level of institutional development. The same is true of indigenous communities. It is therefore essential to comprehend the complexity of local and indigenous development. The health, education, food security, organization-building and training components are the fundamental pillars of the action plans, in that they guarantee a genuine improvement in the quality of life of the most vulnerable communities. Specifically, they help reduce child morbidity and mortality, prevent the use of psychoactive substances and limit cultural dissolution and mismanagement of funds received pursuant to Law No. 715.

The elaboration of the action plans must be followed by participatory monitoring on the part of the Government, the entities and the indigenous communities, to ensure implementation of the commitments. Each plan requires, and will continue to require, follow-up and monitoring, so that institutional efforts and processes remain on track; otherwise, the Government's initiatives will lose legitimacy. Failure to ensure implementation of the commitments would also adversely affect the communities' quality of life and their relationship with and trust in the State.

The new municipal administrations have included the action plan for vulnerable indigenous communities in their municipal and departmental development plans. The staff of the local secretariats and programmes were able to acquire first-hand knowledge of the problems facing indigenous communities through meetings and workshops with the entities and joint events with the indigenous communities. The commitments were signed without objection and the departmental administrations of Cesar and Guainia promulgated a decree establishing a permanent round table and thematic round tables for each component of the plan.

Although the actions provided for in some of the plans initially lacked coherence, the follow-up conducted at the thematic round tables in 2009 has helped to harmonize them. At the round tables, all the actors were informed of the actions developed for each component of the plan, so that they could be coordinated. This contributed to local institution-building, as can be seen in the respective agreements. Efforts were made to design harmonized management models so that staff could acquire an understanding of indigenous issues and so that the various institutions could adapt their policies to meet the needs of the indigenous communities. The idea of appropriate and differential management was thus put into practice, respecting the autonomy of the indigenous populations and taking into account the differences between the various communities. Another positive result is that the indigenous communities became involved in the monitoring of the entities and contractors and staff were able to acquire knowledge and understanding of the indigenous communities.

Despite this progress, some components continue to lack systematized information and figures. Many programmes lack figures disaggregated by population and/or ethnic group.

With respect to the allegations made by the National Indigenous Organization of Colombia (ONIC) regarding the 25 homicides and two disappearances of indigenous persons and the deaths caused by anti-personnel mines, which are used by the Revolutionary Armed Forces of Colombia (FARC) in its armed struggle against the Colombian State, the allegations are very general and do not include specific information — such as the victims' first and last names and ethnic group and the site and circumstances of the alleged killing or disappearance — that would make it possible to conduct an investigation through the information system of the Ministry (Directorate of Indigenous, Minority and Roma Affairs). However, whenever the Directorate learns of a crime committed against indigenous persons, it immediately refers the case to the National Directorate of Public Prosecutors' Offices, the Human Rights Department of the Office of the Attorney-General, the Presidential Programme for Human Rights and International Humanitarian Law, the Presidential Programme for Comprehensive Action against Anti-Personnel Mines, the Office of the Ombudsman and the Office of the Procurator-General, so that they can conduct the necessary investigations within their respective areas of competence.

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Follow-up to the recommendations of the Permanent Forum: (a) Economic and social development; (b) Indigenous women; (c) Second International Decade of the World's Indigenous People

Human rights: (a) Implementation of the United Nations Declaration on the Rights of Indigenous Peoples; (b) Dialogue with the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and other special rapporteurs

Information received from Governments

Spain**

Summary

This document contains the responses of the Government of Spain to the questionnaire sent to Member States concerning the recommendations of the seventh session of the Permanent Forum on Indigenous Issues.

* E/C.19/2009/1.
** This document was submitted late in order to include updated information.

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I. Introduction

1. The Spanish Government recognizes that indigenous peoples are among the most vulnerable groups of people on Earth owing to a lengthy process of discrimination and marginalization which has prevented them from pursuing their own development models and lifestyles.

2. Since the publication of the Second Master Plan for Spanish Cooperation 2005-2008, Spain has made two major multilateral commitments by voting in favour of the United Nations Declaration on the Rights of Indigenous Peoples, adopted by the General Assembly in 2007, and by ratifying, also in 2007, International Labour Organization (ILO) Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries. These instruments, together with the Spanish Strategy for Cooperation with Indigenous Peoples (ECEPI), provide the normative and conceptual framework for Spain's activities in this regard.

3. The recently adopted Third Master Plan for Spanish Cooperation 2009-2012 reaffirms Spain's solidarity with indigenous peoples and establishes a general objective of "promot[ing] the recognition and effective exercise of the right of indigenous peoples to formulate their own social, economic, political and cultural development processes" to the benefit of society as a whole.

4. The Plan contains the following specific objectives:

- Support for the full and effective participation of indigenous peoples in the recognition and effective enjoyment of their human, economic, social and cultural rights, as both individuals and members of a community;
- Strengthening of development capacities and the individual and collective empowerment of indigenous peoples and support for their internal processes for the definition and implementation of their own political and social development strategies and models;
- Support for indigenous peoples and organizations in the protection of and control over their territories, environment, cultural systems and cultural heritage through actions for their defence which raise the profile and acknowledge the fundamental role of women in the preservation of their cultures and development;
- Support for the development and strengthening of economic systems defined by indigenous peoples themselves, based on the sustainable development and management of their lands, territories and resources in accordance with their cultural norms.

II. Questionnaire

A. Response to the recommendations of the Permanent Forum on Indigenous Issues[1]

(i) Special theme: Climate change, biocultural diversity and livelihoods: the stewardship role of indigenous peoples and new challenges

5. Since 2007 Spain has implemented the Spanish Strategy for Cooperation with Indigenous Peoples, with environmental sustainability as a cross-cutting priority and the environment as a sectoral priority. It provides that in the implementation of development cooperation projects in protected areas that form part of or include indigenous territories the preferred approach is to promote association or joint management models with the full and effective participation of the indigenous peoples concerned. This will have a positive impact on conservation and biodiversity and the quality of life of the inhabitants.

Paragraph 9

6. With regard to the need for policymakers to undertake regular consultations with indigenous peoples so that their studies and decisions will be informed by the traditional knowledge and experience of indigenous peoples, from 29 to 31 October 2008 the Indigenous Programme of the Spanish Agency for International Development Cooperation (AECID), in conjunction with experts and senior officials from the technical cooperation offices of 15 Latin American countries, coordinated the convening of a workshop in Antigua, Guatemala, entitled "Development cooperation with indigenous peoples: sustainability and the environment". The workshop, attended by indigenous representatives, facilitated the exchange and joint consideration of experience and best practices to promote the mainstreaming of the cross-cutting priority of environmental sustainability and of the sectoral priority of the environment in actions taken in conjunction with indigenous peoples or having an impact on them. In carrying out these actions account is always taken of the fact that one of the goals of the Spanish Strategy for Cooperation with Indigenous Peoples is to ensure that they promote control over and management of their lands, territories and resources by indigenous peoples as fundamental considerations in the protection of the environment.

Paragraph 18

7. The Permanent Forum recommends that the United Nations Declaration on the Rights of Indigenous Peoples should serve as a binding framework in the formulation of plans for development and should be considered fundamental in all processes related to climate change at the local, national, regional and global levels.

8. All cooperation activities and projects funded or developed by the Spanish Agency for International Development Cooperation should be based on the strategic guidelines and priority activities set out in the Spanish Strategy for Cooperation with Indigenous Peoples, the international normative reference framework for which is the United Nations Declaration on the Rights of Indigenous Peoples and ILO

[1] E/2008/43.

Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries.

Paragraph 19

9. Spain has provided technical and financial support to protect and promote the management of natural resources by indigenous peoples as well as biological diversity, as the Permanent Forum has urged States to do. Spain has provided funding for a project entitled "Support for the full and effective participation of indigenous peoples in Colombia, Paraguay and Argentina in national, regional and international processes relating to protected areas". The project is being implemented by a non-governmental organization, the Almáciga Intercultural Working Group, together with the Neuquén Mapuche Organizations Coordinating Committee (Argentina), the Centre for Cooperation with Indigenous Peoples (Colombia) and Pro Indigenous Communities (Paraguay). This activity has made possible the recent direct participation of indigenous representatives and leaders from these three countries in the World Conservation Congress, held in Barcelona from 5 to 14 October 2008.

Paragraph 21

10. With regard to the recommendation that the environment be assigned a more important profile in strategic planning initiatives at the national level, Spain is committed to reducing greenhouse gases, and is an active participant in international negotiations, largely in the context of annual meetings of the United Nations Framework Convention on Climate Change and the Kyoto Protocol.

Paragraph 31

11. As an example of support for indigenous peoples with regard to policy formulation, technical assistance and help in pursuing measures against climate change and other important environmental issues, attention is drawn to the Second Latin American Meeting of Local Governments in Indigenous Territories, on the theme of "Water, local development and identity", funded by Spain and organized in Guatemala City in November 2008 by the Guatemalan Association of Indigenous Mayors and Authorities. The main topic was the management of water resources in connection with the exploitation of mineral resources on indigenous lands and territories. Over 120 indigenous representatives and leaders from 15 Latin American countries took part.

(ii) Implementation of the recommendations of the six mandated areas of the Permanent Forum and on the Millennium Development Goals

Paragraph 62

Economic and social development

12. The Permanent Forum urges States and State-owned corporations to consult and cooperate in good faith with the indigenous peoples concerned in order to obtain their free, prior and informed consent before the approval of any policies. Accordingly, in May 2008 the Indigenous Programme of the Spanish Agency for International Development Cooperation conducted an information session with representatives of various Spanish companies operating in Latin America with a

view to organizing meetings and raising awareness of the need to obtain the free, prior and informed consent of indigenous peoples. At the session Spain's particular commitment to the rights of indigenous peoples and the content of the Spanish Strategy for Cooperation were explained. There was also discussion of the United Nations Declaration on the Rights of Indigenous Peoples and of ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries, its implementation in Spain and the implications for Spanish companies.[2]

Paragraph 64

13. Regarding the need to include participation by indigenous peoples in reports on the implementation of the Millennium Development Goals and poverty reduction strategy papers, on 13 February 2009 the Spanish Government Council of Ministers approved the Third Master Plan for Spanish Cooperation 2009-2012. Under the Plan, the Spanish policy of cooperation with indigenous peoples is based on its commitment to poverty alleviation and human development. In addition, Spain now has a specific strategy on cooperation with indigenous peoples.

Paragraph 89

Education

14. The Permanent Forum urges States to consider their obligations in this regard under the United Nations Convention on the Rights of the Child and ILO Conventions Nos. 138 and 182. With regard to this issue, in recent years the Spanish Agency for International Development Cooperation has cooperated with the ILO International Programme on the Elimination of Child Labour, and the United Nations Children's Fund (UNICEF) Regional Programme on the Rights of Indigenous Children and Youth in Latin America. Spain intends to continue to support efforts to combat child labour, and indigenous child labour in particular, through the Indigenous Programme of the Spanish Agency for International Development Cooperation.

Paragraph 90

Human rights

15. With regard to the recommendation calling on States to recognize the rights of indigenous peoples and to strengthen their institutions for the promotion and protection of human rights, in 2008 the Indigenous Programme of the Spanish Agency for International Development Cooperation provided support for the project entitled "Mobile law school on the rights of indigenous peoples" of the International Work Group for Indigenous Affairs. The project seeks to strengthen the capacities of legal teams in indigenous organizations in South America through the formulation and implementation of a programme offering legal training with on-site and distance learning courses, coordinated by the Centre for Legal Studies and Social Research in Bolivia.

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[2] The Indigenous Programme of the Spanish Agency for International Development Cooperation will shortly issue a publication by Mikel Berraondo, *La ratificación del convenio No. 169, Reflexiones en torno a sus implicaciones*.

(iii) Half-day discussion on indigenous languages

Paragraph 97

16. With regard to the recommendation to support indigenous peoples' language revitalization efforts, the Spanish Strategy for Cooperation with Indigenous Peoples recognizes that bilingual intercultural education combined, with non-indigenous knowledge on the basis of needs defined by indigenous peoples themselves, reflects the reality of each indigenous people and its knowledge. It is not limited to guaranteeing the revival and development of and support for languages, but also includes an intercultural focus in educational initiatives: it fosters the revival of the knowledge, know-how and values of each people, relying on traditional forms of socialization of indigenous children, while incorporating the contribution of Western science and culture, allowing them to develop in their national contexts on a basis of equality and respect.

17. To this end, it is essential for bilingual intercultural education to be recognized and to form an integral part of national education systems. The Spanish Agency for International Development Cooperation has been working to secure such recognition for some years in conjunction with the principal actors in education in various countries such as Panama, Paraguay and Peru.

18. In addition, the Indigenous Programme of the Spanish Agency for International Development Cooperation has attached particular importance to promoting the right to education of indigenous peoples. In this connection, reference is made to support for the Antioquia Indigenous Peoples' School of Government and Administration, through the funding of a project to conduct the first academic semester of 2009. This activity has been funded with a subsidy of 100,000 euros.

(iv) Second international decade of the world's indigenous people

Paragraph 105

19. The First International Indigenous Women's Forum: advancing together towards new challenges, in Lima, Peru, in April 2008, was funded by the Indigenous Programme of the Spanish Agency for International Development Cooperation, and brought together 152 women leaders and representatives of various indigenous entities and groups as well as over 50 observers.

(v) Future work of the Permanent Forum

Paragraph 124

20. As stated at the Seventeenth Ibero-American Summit of Heads of State and Government, held in Chile in November 2007, Spain supports the convening of a world conference on indigenous peoples.

(vi) Implementation of the United Nations Declaration on the Rights of Indigenous Peoples

Paragraph 128

21. The Spanish Government has endorsed article 42 of the Declaration, which urges States to promote respect for and full implementation of the provisions of the Declaration and to follow up on its effectiveness. Spain considers it necessary for

both the United Nations Declaration on the Rights of Indigenous Peoples and the initiatives and recommendations emanating from the instruments created pursuant thereto to be implemented in practice, thereby bringing about an improvement in the human rights situation of indigenous peoples.

22. To this end, it is essential for there to be coordination and cooperation among the various mechanisms concerned. From 4 to 6 February 2009, Madrid hosted an international seminar of experts entitled "Implementation of the rights of indigenous peoples: the role of United Nations machinery on the rights of indigenous peoples", with the aim of promoting cooperation between the Permanent Forum on Indigenous Issues, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, and the new Expert Mechanism on the Rights of Indigenous Peoples of the Human Rights Council.

Paragraph 143

23. The Permanent Forum requests States, United Nations agencies, churches, non-governmental organizations and the private sector to fully respect the property rights of indigenous peoples in voluntary isolation and initial contact in the Amazon and the Paraguayan and Bolivian Chaco. In this regard, in 2008 the Indigenous Programme of the Spanish Agency for International Development Cooperation continued to promote full respect for the rights of indigenous peoples in voluntary isolation and initial contact in the Amazon and the Paraguayan and Bolivian Chaco through the funding of two projects: "Generating momentum for territorial and environmental protection for indigenous peoples in voluntary isolation and initial contact in the Amazon and Gran Chaco" (presented by the IPES-ELKARTEA Institute for the Advancement of Social Studies) and "Support for the institutional strengthening of the International Committee for the Protection of Indigenous Peoples in Voluntary Isolation and Initial Contact in the Amazon and the Paraguayan Chaco", intended to develop protection measures for those peoples and their territories.

(vii) Dialogue with the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples

Paragraph 155

24. With regard to the recommendation urging States to facilitate participation of indigenous peoples, Spain is working to increase participation by representatives of indigenous peoples in regional and global meetings, in particular in the context of the United Nations, that affect recognition of their rights (biodiversity, human rights and protection of intellectual property, among others). Spain's contributions to the United Nations Voluntary Fund for Indigenous Populations are used for this purpose, reflecting a long-standing priority for the Government of Spain. Similarly, through the Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean (Indigenous Peoples' Fund), Spain provided support for the participation of indigenous leaders from the Brazilian States of Amazonas and Roraima, as well as from Paraguay, Peru and Colombia, in the World Social Forum held in January 2009 at Belem do Pará.

B. Special attention by the Government of Spain to the recommendations on indigenous women

25. Policies for the empowerment of women are mainstreamed into all the development policies of the Spanish Government, in addition to being a sectoral priority, in view of the need to respond to inequalities through the development of temporary affirmative action measures until gender equality is achieved.

26. The Spanish Strategy for Cooperation with Indigenous Peoples takes into account the fact that the position and status of men and women within the social structures of indigenous peoples are closely linked to their roles in terms of a gender-based division of labour.

27. The Strategy provides for various strategic approaches and priority activities in this sector, including support for indigenous women's organizations in communities and for the full empowerment of indigenous women, as well as the implementation of specific policies in support of indigenous women in terms of organization, sex education, sexual and reproductive health, measures to combat sexual violence, finance and any others that are relevant to overcoming the inequality of rights from which they may suffer in their various social contexts.

28. Among the activities supported by the indigenous Programme of the Spanish Agency for International Development Cooperation, the following projects are of note: "Training for indigenous women in Morona Santiago in the establishment and independent management of microenterprises" (Ecuador); "Educating, supporting and providing sexual and reproductive health services for indigenous women at the Obrajes Women's Guidance Centre to prevent and treat sexually transmitted diseases and HIV/AIDS and provide Pap smears and contraceptive advice" (Bolivia); and "Building participatory democracy among indigenous women", a project being carried out in 10 communities in the Department of Chimaltenango (Guatemala).

C. Difficulties encountered in implementing the recommendations

29. Implementation of the recommendations of the Permanent Forum may encounter difficulties in the context of implementation of development projects in cooperation with indigenous organizations in countries whose official policies have a different focus in terms of prioritizing geographical areas or specific areas of activity. Hence, one of the salient characteristics of policies on cooperation with indigenous peoples is a dual interaction with partner countries: on the one hand, with Government institutions mandated to implement public policy in areas relating to indigenous peoples; and, on the other hand, on a basis of parity, with the associations and organizations that are most representative of the indigenous movement.

D. Factors facilitating implementation of recommendations

30. In the case of Spain, the ad hoc reference framework provided by the Spanish Strategy for Cooperation with Indigenous Peoples means that activities for indigenous peoples are consistent with the international normative framework

constituted by the United Nations Declaration on the Rights of Indigenous Peoples and ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries, as well as with the general principles underlying Spain's international cooperation activities.

E. Specific policies and strategies on indigenous peoples

31. In 2007 the new Spanish Strategy for Cooperation with Indigenous Peoples was approved and revealed. It reflects Spain's commitment to further high-quality cooperation meeting the needs and requirements of indigenous peoples.

32. The Third Master Plan for Spanish Cooperation 2009-2012, recently approved by the Council of Ministers, makes cooperation with indigenous peoples a multisectoral priority.

F. Specialized technical units on indigenous issues

33. The Government of Spain has a specialized technical unit entrusted with planning, coordinating, implementing and ensuring follow-up to all activities in the context of Spanish cooperation, carried out, in part or in whole, on behalf of the indigenous population. This unit — the Indigenous Programme — forms part of the Spanish Agency for International Development Cooperation, itself part of the Ministry of Foreign Affairs and Cooperation.

34. The Indigenous Programme may be contacted at the following address:

Programa Indígena
Agencia Española de Cooperación para el Desarrollo (AECID)
Avenida de Reyes Católicos, no. 4. 28040
Madrid
http://www.aecid.es/indigena

G. Training of officials in indigenous issues

35. The Indigenous Programme of the Spanish Agency for International Development Cooperation organizes annual training seminars on a participatory basis designed to provide training for technical staff working in the Spanish cooperation programme. By way of example, in 2008 the Indigenous Programme conducted a workshop with experts and senior officials from our technical cooperation offices entitled "Development cooperation with indigenous peoples: sustainability and the environment". The workshop facilitated the exchange and joint consideration of experience and best practices to promote the mainstreaming of the cross-cutting priority of environmental sustainability and of the sectoral priority of the environment.

H. Implementation of the United Nations Declaration on the Rights of Indigenous Peoples through its article 42

36. Through its activities in various domains, in particular development cooperation, the Government of Spain seeks to promote the content of the United Nations Declaration on the Rights of Indigenous Peoples, in implementation of its article 42, which urges the specialized agencies of the United Nations system and States to promote respect for and full application of the provisions of the Declaration and to follow up on its effectiveness.

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Follow-up to the recommendations of the Permanent Forum on: (a) Economic and social development; (b) Indigenous women; (c) Second International Decade of the World's Indigenous People

Human rights: (a) Implementation of the United Nations Declaration on the Rights of Indigenous Peoples; (b) Dialogue with the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples and other special rapporteurs

Information received from Governments

Nicaragua**

Summary

The present report contains the responses provided by the Government of Nicaragua to the questionnaire addressed to Member States regarding the recommendations of the Permanent Forum on Indigenous Issues at its seventh session.

* E/C.19/2009/1.

** Publication of the present report was delayed in order to ensure the inclusion of the most recent information.

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I. Response to the recommendations of the Permanent Forum on Indigenous Issues, with particular attention to its recommendations on economic and social development, indigenous women and the Second International Decade of the World's Indigenous People

1. The Republic of Nicaragua is a party to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. Its 1987 Constitution officially recognized for the first time that Nicaragua is a multi-ethnic, multicultural and multilingual nation with indigenous peoples and communities of African descent who have historical rights as regards communal ownership, use and enjoyment of their natural resources, as well as the right to official use of their languages. In addition, the Constitution incorporates the principles of equality and non-discrimination before the law, and lays down the obligation of the State to enact laws to ensure that no citizens are subject to discrimination. To that end, article 27 stipulates that "all persons are equal before the law and have the right to equal protection. There shall be no discrimination on the basis of birth, nationality, political creed, race, sex, language, religion, opinion, origin, economic position or social status". Similarly, article 91 provides that "the State has the obligation to pass laws aimed at promoting measures that ensure that no Nicaraguan shall be discriminated against on the basis of his language, culture or origin".

2. In addition, in 1987 an Autonomy Statute (act 28) granting legal, political, administrative and economic authority to regional councils was enacted. On the basis of this law, regional autonomy establishes that all ethnic groups have equal rights regardless of their number or level of development. Act 28 has continued to evolve since its enactment, mainly with regard to the issue of political decentralization, which manifests itself specifically in regional elections of the authorities and the Autonomous Regional Councils with the participation, not only of national political parties such as the Sandinista National Liberation Front (FSLN), but also of regional political parties such as Yapti Tasba Masraka Nanih Aslatakantka (YATAMA) (the children of Mother Earth) and the Coastal Unity Movement Party (PAMUC).

3. The representativity of traditional leaders of indigenous communities does not hinge on formal procedures established by written law. Instead, it relies on elections or appointments by consensus within the community, in accordance with ancestral customs and traditions, and such representativity is in itself a constitutional right of the communities and their members. The exercise of that right has been gradually improving with the backing of constitutional and municipal law. Election of community leaders as members of an executive council, council of elders, trustees, community judges or any other traditional leader of an indigenous community in Nicaragua does not proceed according to any norm established by written, statutory or codified law. Instead, leaders are elected according to the community's own customary law as derived from traditional practices and customs, which are recognized in article 180 of the Political Constitution of Nicaragua, which establishes the following: "The Atlantic Coast communities shall have the right to live and develop according to the forms of social organization that are in keeping with their historical and cultural traditions. The State shall guarantee these

communities the enjoyment of their natural resources, the validity of their methods of communal property ownership and the freedom to elect their authorities and deputies. Similarly, it shall also ensure the preservation of their cultures, languages, religions and customs."

4. In the indigenous communities that live on the Atlantic Coast of Nicaragua, the adult members form an assembly and appoint and dismiss by consensus their community authorities, most of whom are not chosen for pre-established terms but rather for indefinite periods, depending on the community's needs and circumstances. In general, communities do not maintain records of the selection process; rather the mutual agreement between the appointee and those who chose him guarantees the validity of and ensures respect for the process.

5. It is worth noting that the National Assembly has a Commission on Ethnic Affairs tasked with ensuring that these peoples' and communities' rights and responsibilities are incorporated into national legislation.

6. Act 445 (also of 1998) is another important legal instrument that governs the right of indigenous and Afro-descendant peoples to own land and territory.

7. In 2001, the National Commission for the Elimination of Racial Discrimination was established, which is composed of State institutions, civil society organizations, indigenous people's movements and communities of African descent. This Commission's primary aim is to promote and disseminate information at national level on the fight against racism and discrimination and also to coordinate and implement an action plan to make progress in the autonomy process of the Atlantic regions and integrate the peoples of the Pacific, Central and Northern regions under conditions of dignity and equality, thereby facilitating the construction of a genuinely equitable, inclusive and multi-ethnic society.

8. On 13 November 2007, the new Code of Criminal Procedure was issued, article 36 of which defines racial discrimination as an offence. Moreover, the International Convention on the Elimination of All Forms of Racial Discrimination has the status of ordinary law in national legislation.

9. The indigenous populations of the Pacific, Central and Northern regions of Nicaragua drew up a draft law that was submitted in 2006 to the Commission on Ethnic Affairs, Autonomy Regimes, and Indigenous Communities of the National Assembly and was the subject of a consultation process in which the country's indigenous peoples participated for its subsequent report. A very important element that was added was the recommendation to set up an institution to meet the needs of the indigenous peoples, whose functions would include strengthening indigenous unity and promoting the economic and cultural progress of the indigenous communities; and under the draft law a budget appropriation would be allocated by the State. All of this would be in accordance with the provisions of article 5 (3) of the Political Constitution, which stipulates that: "the State shall recognize the existence of the indigenous peoples, who shall enjoy the rights, duties and guarantees set forth in the Constitution, in particular tho e relating to maintaining and developing their identity and culture, having their own forms of social organization and managing their local affairs, as well as maintaining the communal forms of ownership of their lands and the enjoyment, use and possession of them, all in accordance with the law". To date, the draft law has been approved and is in the

lobbying process with the various parties for its definitive approval when it is submitted to the Plenary.

10. In the judicial sphere, the Supreme Court of Justice, with the support of the Inter-American Development Bank (IDB) implemented the programme to establish care, mediation, information and orientation centres in approximately eight communities with the highest poverty levels in the North Atlantic Autonomous Region and the South Atlantic Autonomous Region (Kururia, Auhya Pihni, Sahsa, El Hormiguero, Mulukukú, Orinoco and Rama Cay), Jinotega (Cua-ocay), Rio San Juan (San Miguelito) and Matagalpa (Muy Muy), in order to bring the indigenous justice system closer to and into greater harmony with the Western system as a conciliatory measure to establish peace and harmony, the ultimate aim of which is to administer justice. This principle has already been incorporated into Nicaraguan legislation, namely, the Code on Childhood and Adolescence, the Urban and Agrarian Property Amendment Act, the Organic Law of the Judicial Branch and the Code of Criminal Procedure.

11. To date, the IDB has already provided the North Atlantic Court of Appeals with seven care, mediation, information and orientation centres, which have organizational structures made up of 100 community members to resolve community conflicts through mediation, as part of the project to strengthen the judicial system and ensure access to justice, which is funded by that multilateral body. Since last September, these centres have been taken over by the Puerto Cabezas Court of Appeals. Since its establishment, rural judicial facilitators and community *whistas* (community judges) in the North Atlantic Autonomous Region and the South Atlantic Autonomous Region have assumed the role of representatives of the justice system in their areas and have been conducting commendable work, as has been acknowledged by the Supreme Court of Justice. Their efforts have made it possible for indigenous and Mestizo communities to live in peace and harmony. To date, 15 multipliers with mediation skills and an overall total of 1,543 mediators have been trained.

12. In May 2005, the procedural manual issued by the mediation and arbitration centres for obtaining accreditation entered into force, on the basis of Act 540 on mediation and arbitration. This work is one of the new roles of the Office of Alternative Dispute Resolution, within the organizational structure of the Supreme Court of Justice. All these efforts are part of the programme to strengthen the judicial system and ensure access to justice and are financed for a period of four years by IDB, which provides funds for the construction of mediation centres and the training of mediators at all levels.

13. At the same time, the regulations in the Organic Law of the Judicial Branch provide that, for the selection of judges in the autonomous regions of Jinotega and Nueva Segovia, knowledge of the languages of the indigenous and ethnic communities of the Atlantic coast of Nicaragua is a preferential advantage for the appointment of members of the judicial branch. Article 17 stipulates that court proceedings must be conducted in Spanish and in the language spoken in the autonomous regions when the proceedings are held within the regions' territorial jurisdiction and one of the parties concerned requires it. When the language of one of the parties differs from that in which the proceedings are being held, they must always be conducted with the assistance of a translator or interpreter. Under no circumstances, can any of the parties be prevented from using their own language.

The assistance of a translator or interpreter is provided free of charge and is guaranteed by the State in accordance with the law. The Public Prosecutor's Office also has representatives in the autonomous regions in order to attend to the needs of the population.

14. In the area of education, Nicaragua has ensured that it is provided in a bilingual intercultural context so that all the educational programmes that the Ministry of Education and Sports promotes in the rest of the country, that is, preschool, bilingual primary, special and secondary programmes, are implemented in the two Caribbean coast Autonomous Regions with Miskito, Creole, Sumo Mayagna, Rama and Garifuna populations in their own mother tongue. In October 1997, the Autonomous Regional Educational System was approved, which focuses on the overall education of the indigenous inhabitants and ethnic communities established and maintained under current national legislation, the Political Constitution, the Autonomy Statute, the Language Act, the General Basic and Secondary Education Act and the Intercultural Bilingual Education Programme, which facilitates access to the various educational offerings by the inhabitants of the Nicaraguan Atlantic Autonomous Regions. The General Education Act (Act 582) takes up the constitutional principle of the indigenous peoples and ethnic communities of the Caribbean coast relating to their main rights such as the right to intercultural education in their mother tongue and the learning of Spanish as the national language, establishing under article 4 "the comprehensive training of the children, adolescents and men and women of the Caribbean coast at all levels of the educational system, and respect for and the rescuing and strengthening of the various identities: ethnic, cultural and linguistic, in harmony with the principles laid down in our Political Constitution" and under article 5 "the inculcation in Nicaraguan men and women of a moral, critical, scientific and humanist awareness; the development of their personalities with dignity, preparing them to assume the tasks required for the development of the multi-ethnic nation" (follow-up to the recommendations in paragraph 96).[1]

15. Following the recommendations set forth in paragraph 97,[1] the Government of Reconciliation and National Unity, through the Ministry of Citizen Power for Foreign Relations, is preparing the necessary documentation in order to submit for consideration by UNESCO the candidature of the Rama people for inscription on the List of Intangible Cultural Heritage for the purpose of preserving their language and culture.

16. With regard to health, the National Health Policy has prioritized the provision of care to children under the age of five; women, particularly during pregnancy; inhabitants of the country's dry area; Caribbean coast population groups in extreme poverty; indigenous territories; the disabled; farm workers; and the elderly. Accordingly, after many years of occupying a not very honourable first place in terms of the incidence of maternal mortality, the North Atlantic Autonomous Region has experienced an appreciable change as a result of the efforts of the Government of Reconciliation and National Unity, which, together with health-care professionals and traditional doctors, is working jointly in order to deal with the problem. According to preliminary data from the Statistics Office of the Nicaraguan Ministry of Health, the maternal mortality rate in the North Atlantic Autonomous Region fell from 252.8 in 2006 to 96.5 in 2008. In the South Atlantic Autonomous Region, it

[1] E/2008/43.

declined from 323.6 in 2006 to 88.8 in 2008, indicating a significant difference in both cases.

17. Other important programmes such as "The right to a name and a nationality" programme, which was promoted by the United Nations Children's Fund (UNICEF), the Supreme Electoral Council, regional and municipal authorities and international non-governmental agencies, were set up to respond to the needs of more than 500,000 children in indigenous communities in the eastern North Atlantic and South Atlantic Autonomous Regions who had no birth certificates and whose rights as Nicaraguan citizens were therefore limited. In four and a half years, the programme registered some 97,000 children and adolescents in the North Atlantic Autonomous Region, where approximately 100,000 of them had been identified as unregistered. Work began this year in the South Atlantic Autonomous Region with the goal of registering some 100,000 minors and in the Department of Nueva Guinea, which is south of that territory, in order to carry out 50,000 registrations.

18. With respect to climate change and the environment, Nicaragua acts through the General Office of Territorial Coordination under the Ministry of the Environment and Natural Resources, which is the body that coordinates, assists, supports and evaluates the work of the Ministry's 17 territorial delegations in terms of environmental and legal technical questions, planning and administration with input from the central level in order to strengthen the delegations' activities in environmental management related to protecting the environment and the sustainable use of natural resources in a regionalized and decentralized manner, in coordination with other institutions of the State, regional governments, regional councils, natural resources secretariats, sectorial and municipal environmental management units, mayors' offices, non-governmental organizations and, of course, with the participation of citizens, fostering responsible citizenship committed to improving the environment in accordance with the recommendations in paragraphs 17, 18, 19 and 21.[1]

19. In relation to the recommendations contained in paragraphs 9, 10, 11 and 22,[1] the Ministry of the Environment and Natural Resources is developing a national action plan for climate change, which clearly indicates, in the section on protected areas, promotion and participation as key tools of the indigenous and farming communities in those areas as well as the promotion of territorial management in which resources are invested for setting up profitable and sustainable productive systems that help alleviate poverty and reduce pressure on the remaining forest tracts on the basis of respect for the rights of indigenous communities, among others.

II. Obstacles to the implementation of the Permanent Forum's recommendations

20. First of all, we can point out that, in spite of the readiness of the Government of Reconciliation and National Unity to implement all the measures recommended for the benefit of indigenous peoples and communities, the economic aspect has been a fundamental factor affecting the speedy implementation of these recommendations in a timely manner.

21. Furthermore, the political aspect has also had a negative effect on this process since, owing to their petty interests, right-wing sectors are attempting to impair Government efforts, particularly with regard to development with social justice, impeding many of the possible steps by the Government aimed at achieving this goal.

22. It is important to point out that the funds provided through international cooperation have not been sufficient to carry out the Government's national plans and programmes aimed at promoting and protecting the human rights of our indigenous communities as well as promoting our country's cultural and ethnic diversity.

III. Facilitating factors for the implementation of the Permanent Forum's recommendations

23. The Government of Reconciliation and National Unity bases its Human Development Plan on a social approach calling for economic development founded on the protection and development of human capital with particular emphasis on children and women, and majority groups of the young population of Nicaragua. Another important fact that should be stressed is that the Sandinista National Liberation Front (FSLN), the governing party, is the most multi-ethnic political party with a genuine gender-based approach uniting Creole, Garifuna, Miskito, Mayagna and Mestizo supporters. Creole women are filling a greater proportion of seats within FSLN, as opposed to other parties where their representation is non-existent or restricted. Similarly, the Government of Reconciliation and National Unity has been the only one that has provided decision-making positions to representatives of the various ethnic groups, thereby forming a Government cabinet that is genuinely multi-ethnic with a national vision.

24. Since January 2007 with the accession to political power of the "United, Nicaragua Triumphs" Alliance, led by FSLN, one of the first concrete steps taken to ensure the effective participation of the indigenous and Afro-descendant peoples and communities was the establishment of the Atlantic Coast Development Council with the fundamental objective of organizing government institutions able to strengthen the regional institutional framework and promote development in the Atlantic coast Autonomous Regions and indigenous communities, coordinating the communication mechanisms between the President of the Republic and the governments of the Autonomous Regions and acting as the President's liaison with the other State authorities on matters relating to the Atlantic coast Autonomous Regions. The institutions involved are the following:

(a) Caribbean Coast Development Council (Commander Lumberto Campbell, from the Creole ethnic group, responsible for coordinating State ministries for the autonomous administration of the Caribbean coast of Nicaragua);

(b) President of the Commission on Ethnic Affairs of the National Assembly (Brooklyn Rivera, the foremost leader of the Miskito ethnic group and national deputy in that State body);

(c) Minister of the Fisheries Institute (ADPESCA) (Steadman Fagoth, a Miskito leader);

(d) Deputy Minister and Secretary for International Cooperation (Valdrack Jaentschke, a Creole professional);

(e) Deputy Minister of Agriculture and Livestock (Benjamin Dixon Cuningham, an indigenous Miskito);

(f) National Forest Institute (INAFOR) (William Schwartz, a Mestizo coastal inhabitant);

(g) Ministry of Finance and Public Credit (Ivan Acosta, a Mestizo Creole);

(h) Special Delegate for Education Questions on the Caribbean Coast (Faran Dometz, a Creole);

(i) Special Delegate for Health Questions (Ned Smith, a Miskito Creole);

(j) Deputy Property Manager (Evelyn Taylor, an indigenous Miskito);

(k) Deputy Minister and Secretary for Indigenous and Afro-descendant Affairs (Joel Dixon, an indigenous Mayagna).

25. This organization has unquestionably facilitated the work of promoting and legislating in favour of the rights of indigenous and Afro-descendant peoples for the restoration of social justice, which the Government of Reconciliation and National Unity proposes to achieve in its governing plan.

26. A clear example of the readiness of the Nicaraguan Government was the transfer to the Caribbean Coast Council and the indigenous component (PRODEP-CI) of the funds used in the demarcation of and awarding of land titles to seven Mayagnas indigenous communities, including the Awas Tingni, which totalled the net amount of $45,442 in 2007, thereby complying with the decision of the Inter-American Court of Human Rights. The new manual on the demarcation process was also simplified in order to streamline the process. In addition, activities were coordinated between the Nicaraguan Territorial Studies Institute (INETER) and the National Commission for Land Demarcation and Titling (CONADETI); and of particular interest was a special plan for the demarcation of the Awas Tingni territories and the area at the mouth of the Rio Grande, where INETER will provide, with its own resources, a coordinator to serve as a liaison between the regional authorities and the Institute. Similarly, CONADETI will hire through its own resources regional technical personnel to carry out a topographic survey and construct boundary markers establishing the limits of these territories. In this way, the recommendation made in paragraphs 79 and 80[1] are being carried out.

IV. Specific laws, policies and strategies to address indigenous peoples' issues

27. In addition to the steps detailed in previous paragraphs, the Government of Reconciliation and National Unity issued Presidential decree No. 19-2008 of 5 May 2008, under which the President of the Republic, Commander Daniel Ortega Saavedra, declared the Miskito Indian Tasbaika Kum, Mayagna Sauni Bu and Kipla Sai Tabalika, located in the Alto Wangki and Bokay basin, to be indigenous territories under a special development regime for the attention of the executive branch, without detriment to municipal autonomy.

28. This decree reiterates the commitment of the Government of Reconciliation and National Unity to reduce poverty in the country, which includes reversing the historical exclusion to which the Miskito and Mayagna indigenous groups of the Alto Wangki and Bokay basin, which includes the territories of the Miskito Indian Tasbaika Kum, Mayagna Sauni Bu and Kipla Sai Tabalika, have been subjected. This area is composed of 48 indigenous communities of over 30,000 inhabitants. The primary objective of the measure is to promote plans, programmes and projects having to do with production, infrastructure, environmental protection, citizen security, education and health, and the Ministries of State and of Autonomous Areas, respectively, have been mandated to include the relevant actions and budget in their respective institutional plans. The execution of those plans, programmes and projects should be carried out through the administrative agencies of the special regime and the territorial and community governments, with the Ministries and independent bodies required to offer technical assistance directly to the agencies and technical bodies of the territorial and indigenous governments in observance of the rights, duties and actions in exercise of the special development regime for those indigenous territories (in accordance with the recommendations made in paragraphs 62, 63, 64, 67, 69, 71 and 73).[1]

29. It should be noted that this special development regime is based in the territorial and community governments and traditional forms of administration of the affairs and interests of the member communities, who select from among the territorial chiefs of the three indigenous territories a head of indigenous territorial government who holds office for a year. This territorial government office will rotate each year among the territorial chiefs of the region.

30. To date, three territorial governments have been installed, and the process of opening ministerial delegations in those areas is under way. In addition, they will appoint and hire indigenous experts for leadership posts.

31. Another related activity was the formation in 2008 of the Secretariat of Indigenous Affairs within the basic structure of the Ministry of Citizen Power for Foreign Affairs, in order to observe faithfully the international treaties and agreements relating to indigenous peoples and peoples of African descent. Among its tasks, it will consider a strategy for the Autonomous Regions of the Caribbean coast, in order to determine the mechanisms for implementation of the treaties that promote indigenous peoples.

32. From its establishment, the Secretariat of Indigenous Affairs has participated in various meetings and activities with representatives of the Nicaraguan and Honduran indigenous communities, as well as various national and international non-governmental organizations, cooperation agencies and embassies, with the objective of responding to the problems of the Mayagnas in Alto Wangki.

33. The following instruments are among legislation and decrees aimed at compliance with the International Convention on the Elimination of All Forms of Racial Discrimination (CERD):

- Act No. 28 on Autonomy (1987) and its Regulations (July 2003);
- Act No. 162 on the Official Use of the Languages of the Communities of the Atlantic Coast of Nicaragua (22 June 1993);

- Decree No. 53-94: Establishment of the National Committee for the International Convention on Indigenous and Tribal Peoples, Gazette No. 237, p. 4310, 19 December 1994;

- Agreement on the establishment of a Development Fund for the Indigenous Peoples of Latin America and the Caribbean, Madrid, Spain, 24 July 1992, signed by Nicaragua on 24 July 1992, adopted and ratified by Decree No. 13-19, Gazette No. 107 of 9 June 1995. p. 1953. Deposit of the instrument of ratification: 10 July 1995;

- General Act No. 217 on the environment (March 1996);

- Decree No. 16-96: Establishment of the National Commission for the Delimitation of the Lands of the Indigenous Communities of the Atlantic Coast. Gazette No. 169, p. 3714, 6 September 1996;

- Decree No. 23-97: Amendment and addendum to Decree No. 16-96 establishing the National Commission for the Delimitation of the Lands of the Indigenous Communities of the Atlantic Coast, Gazette No. 96, p. 2108, 23 May 1997;

- Act No. 287, Child and Adolescent Code (March 1998);

- Act No. 392 on Promotion of the Integral Development of Youth (May 2001);

- General Act No. 423 on Health (March 2003);

- Act No. 475 on Citizen Participation (October 2003);

- Act No. 445, Act on the communal property regime of the indigenous peoples and ethnic communities of the Autonomous Regions of the Atlantic Coast of Nicaragua and of the Bocay, Coco, Indio and Maiz Rivers. Gazette No. 16, p. 313, 23 January 2003;

- Decree No. 37-2006: Declaration of National Garifuna Day, 19 November, for the dissemination, expression and preservation in Nicaragua of the language, art, culture and values of the Garífuna people of Nicaragua. Gazette No. 122, p. 5665, 23 June 2006;

- Decree No. 37-2006: Declaration of National Garifuna Day (19 November every year);

- National Assembly Decree No. 5154: Declaration of 9 August as the annual "National Day of Indigenous Peoples of Nicaragua". Gazette No. 157, p. 5245, 17 August 2007;

- Act No. 641, New Code of Criminal Procedure (November 2007);

- National Assembly Declaration No. 001-2008: National Assembly Declaration expressing appreciation to the United Nations General Assembly for the adoption of the "United Nations Declaration on the Rights of Indigenous Peoples", and undertaking to promote action that reflects the provisions of that Declaration in order to harmonize the national normative framework with it, Gazette No. 68, p. 2212, 11 April 2008;

- Decree No. 19-2008: Declaration on the Special Development Regime, for the attention of the Executive Branch, in the indigenous territories of the Miskito Indian Tasbaika Kum, Mayagna Sauni Bu and FIPLA Sait Tasbaika, located in

the Alto Wangki and Bokay basin, whose administrative headquarters will be the San Andrés de Bocay community, without prejudice to municipal autonomy (this special development regime will be the responsibility of the indigenous territorial government that will be composed of the chief of each of the three indigenous territories and will elect a head of indigenous territorial government from among them). Gazette No. 83, p. 2715, 5 May 2008;

- Decree 21-2008: Amendment and Addendum to Decree No. 71-98 entitled "Regulations on Act No. 290, Act on Organization, Competence and Procedures for the Executive Branch" (Addendum to the Secretariat of Economic Relations and Cooperation in the Ministry of Foreign Affairs of a Secretariat for Indigenous Affairs, under the direction of a Secretary with the rank of Deputy Minister), Gazette No. 83, p. 2716, of 5 May 2008;

- Act No. 669 on Soil Conservation and Use in the Bosawas Biosphere Reserve (September 2008).

34. The above-mentioned laws provide specific coverage of the rights to health, education, justice, citizen participation, the environment, drinking water, electric power, trade and tourism, inter alia, of the communities of peoples of African descent, maintaining their particular characteristics. The Government of Nicaragua has likewise drawn up a Human Development Plan for the period 2007-2012 that includes activities to ensure the well-being and development of indigenous communities and peoples based on their traditional forms of organization.

V. National institutions for coordination of indigenous issues

35. The institution responsible for this area is the Secretariat for Indigenous Affairs and Peoples of African Descent in the Ministry of Citizen Power for Foreign Affairs. The official responsible is Joel Dixon, Deputy Minister and Secretary for Indigenous Afro-Descendant Affairs.

VI. Training on indigenous issues for public officials

36. The Government of Reconciliation and National Unity assumes as a principle of its governance plan the protection of nature and the environment, respecting the ancestral rights of indigenous peoples and communities of African descent and changing the development model through new forms of environmental justice. Therefore, from this perspective, all actions of government institutions take into consideration in their annual plans the indigenous and Afro-descendant component as a universal priority theme which should receive due attention.

37. For its part, the Caribbean Coast Development Council has designed a Caribbean Coast Development Strategy 2008-2012 which lays the foundation for equitable development in harmony with the culture and geography of the region that also strengthens the leadership and regional and community organizations within an autonomous process. It is basically a system of social justice inspired by the history and culture of the peoples of the Caribbean coast. The necessary conditions thus are being created for the development of a systematic training programme for public officials on issues relating to indigenous peoples and peoples of African descent.

VII. Promotion and implementation of the United Nations Declaration on the Rights of Indigenous Peoples

38. The basic objective of the National Commission for the Elimination of Racial Discrimination, made up of State institutions, civil society organizations, and movements of indigenous peoples and communities of African descent, is to promote and disseminate on the national level the fight against racism and discrimination, to coordinate and execute a plan of action to advance the process of autonomy for the Atlantic regions and to incorporate under appropriate conditions of equality the peoples of the Pacific and Central and Northern regions, facilitating the construction of a truly equitable, inclusive and multi-ethnic society.

39. The Nicaraguan Government believes in the importance of direct participation of representatives or members of the indigenous and Afro-descendant communities in the actions of decision-making bodies of State organs. Currently those communities participate in decision-making in various ways, both at the local and national levels, for instance through municipal mayor's offices, regional government, regional councils, delegations of State ministries and the Caribbean Coast Development Council under the Office of the President of the Republic.

40. This level of participation in the country's political life was one of the recommendations submitted by the Nicaraguan Government at the Preparatory Meeting for the Durban Review Conference in June 2008 as one of its most positive and successful experiences in combating racism and discrimination.

41. Likewise, it is imperative that international cooperation should support through concrete action the efforts of the Government of Reconciliation and National Unity to restore the rights of indigenous peoples and communities of African descent, thereby ensuring respect for the precepts of equality and equity among all Nicaraguans.